HOUSE OF REPRESENTATIVES—*Wednesday, September 15, 1993*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

PRAYER

The Reverend Dr. Ed Johnson, First Baptist Church, Rosemount, MN, offered the following prayer:

Almighty God, Ruler of heaven and earth and before whom all individuals and nations are judged. We bow this day before You in earnest prayer to thank You for the bountiful blessings You have given to our country; for our national heritage; for the faith of our fathers; and for the spirit of dedication that caused those who have gone before to build for us a republic dedicated to the proposition that all men are created equal before You and have been endowed by You with certain inalienable rights, including life, liberty, and the pursuit of happiness.

We pray You will bless those who shall conduct business in this distinguished body today as well as our President and Vice President. Help us to give ourselves to serve You and our fellow man and for what You shall be pleased to do we shall be careful to thank You as we pray this in Your Holy Name.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. FARR] to lead us in the Pledge of Allegiance.

Mr. FARR of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 144. Concurrent resolution providing for a joint session of Congress to receive a message from the President, and

H. Con. Res. 145. Concurrent resolution providing for an adjournment of the House from Wednesday, September 15, 1993, to Tuesday, September 21, 1993.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 43. Concurrent resolution expressing the sense of the Congress concerning the historic opportunity for peace in the Middle East.

DR. ED JOHNSON, GUEST CHAPLAIN

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, the guest Chaplain for today's session is Dr. Ed Johnson, senior pastor of the First Baptist Church of Rosemount, MN.

Dr. Johnson and his wife Ellie are long-time personal friends of my family.

Pastor Ed, as he is affectionately called, has been pastor of First Baptist since June 1967. At that time, the Church had 37 members, and today the congregation numbers over 2,000 members. Pastor Ed holds a B.A. degree from Tennessee Temple University, a master's degree from Temple Baptist Theological Seminary, and the doctor of divinity degree from Hyles-Anderson College.

In the 26 years Dr. Ed Johnson has pastored First Baptist, the church has received numerous recognitions from Christian organizations for its exceptional growth and service.

Under Pastor Ed's leadership, First Baptist Church carries on an aggressive Bible-centered program designed to reach the entire family.

First Baptist supports 40 missionaries in countries around the world, 7 Christian schools and colleges and several ministries here in the United States. It operates 12 buses over a 15-mile radius, bringing hundreds of people to church each Sunday.

Pastor Ed is also founder of the First Baptist Church Christian School.

In addition to these roles, Pastor Ed carries on a nationwide evangelistic and Bible conference ministry.

He is the past president of the Minnesota Association of Christian Schools and presently serves as the executive director of that association.

He also serves on the board of directors of the American Association of Christian Schools, as well as on the board of the General Council of Baptist Mid-Missions.

Pastor Ed and Ellie are the parents of four children.

Mr. Speaker, I am extremely proud to welcome my dear friend, Pastor Ed Johnson, to the House today, and thank him for serving as guest Chaplain.

TWO STEPS BACK

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the White House plan to reinvent government is an impressive document. With its multicolored layout, its top-grade paper, and its fancy graphics, the National Performance Review pamphlet is a slick production.

But the first 14,000 copies of this report cost $60,000. If AL GORE had followed Government regulations by not including the top-grade paper, the multicolored layout or the slick graphics, the report would have cost $15,000.

That may not seem like a lot of money, but it is symbolic of this Presidency. Once again, the administration takes two steps back to take one step forward.

First, they tried to cut the deficit by spending more money. Next, they tried to stimulate the economy by raising taxes.

And now, their Government reduction plan costs four times more to produce than it should have.

If this is any indication of how the President plans to reinvent the Government, we should deny him a patent. Wasting the taxpayer's money is not a new invention.

TOBACCO TAXES MEAN LOST JOBS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the Sixth District of North Carolina is home to tobacco farmers, workers, and manufacturers. There are people who live in our district who work in every cigarette plant in our State. Tobacco is the No. 1 cash crop in our district. The golden leaf has been mighty good economically to the people of our district and State.

Of course, tobacco is under attack these days from all different sides. The latest discussion is over a monster-size

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increase in cigarette excise taxes to fund health care reform. There has been talk about a $2 a pack increase in cigarette taxes. The speaker was recently quoted as saying he anticipates a very impressive increase in cigarette taxes. Mr. Speaker, the only thing that will be impressive as a result of a huge increase in taxes will be the number of jobs lost—74,000 in North Carolina alone.

We have heard talk lately about tobacco taxes and the recent budget vote. I hope back room deals have not already been struck on increased tobacco taxes. The future of too many hard working North Carolinians is at stake to be playing let's make a deal with tobacco taxes.

THE KENTUCKY DERBY OF HEALTH CARE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, they're off and running, the Kentucky Derby of health care reform is underway. Today I joined more than 100 of my colleagues in offering our best entry, the Affordable Health Care Now Act. Our Republican House bill is a market-based approach to health care reform—kind to small business, consumer friendly—especially toward seniors—and, best of all, doable right now this legislative session. Our bill will control costs, increase access to care, and maintain quality—all while preserving people's flexibility to choose the right health care for themselves and their families. Republicans offer this plan as a positive addition to the debate—and we will continue to work with the administration to ensure the best possible outcome. We know there are more entries out there to join our strong runner in the field of choices. We are doing nothing less than asking the American people to place their bets on Government's ability to do health care reform properly. If we succeed, everyone can be a winner.

□ 1410

A TRIBUTE TO ROBERT J. STURM

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, in this eventful week in history we heard repeated from the chapter of the Bible Ecclesiastes, "to every thing there is a season—a time to live, a time to die." And so it is with all of us as mortal human beings.

I rise today to pay tribute to the memory of Robert J. Sturm. Bob Sturm was a great community leader and a respected public servant in central Florida. His death yesterday will leave a void in Florida's Seventh Congressional District. His presence, his wisdom, and his leadership will be missed by people of Seminole County, FL. I extend my condolences to Bob's wife, Trudy, to his family and many friends.

I was pleased to have the privilege of calling Bob Sturm my friend. Robert J. Sturm: September 3, 1925 to September 14, 1993.

APPOINTMENT AS MEMBERS OF COMMISSION ON THE SOCIAL SECURITY "NOTCH" ISSUE

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, and pursuant to the provisions of section 635(b) of Public Law 102-393, the Chair, on behalf of the Speaker, appoints to the Commission on the Social Security "Notch" Issue the following Members on the part of the House:

Mr. James C. Corman of McLean, VA; and

Ms. Carroll L. Estes of San Francisco, CA.

There was no objection.

COMMUNICATION FROM THE REPUBLICAN LEADER—APPOINTMENT AS MEMBERS OF COMMISSION ON THE SOCIAL SECURITY "NOTCH" ISSUE

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 635(b)(5) of Public Law 102-393, I hereby appoint the following two individuals to serve as members of the Commission on the Social Security "Notch" Issue:

The Honorable Barber Conable of Alexander, New York and Mr. Arthur L. Singleton of Dunnsville, Virginia.

Sincerely,

BOB MICHEL,
Republican Leader.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware [Mr. CASTLE] is recognized for 5 minutes.

Mr. CASTLE. Mr. Speaker, the problems of unaffordable health care and skyrocketing insurance costs are the greatest financial and social concerns facing American adults, children, small and large businesses, hospitals, and State and local governments.

Too many people live in fear of becoming ill because they have no insurance to cover their bills, too many businesses and governments are struggling to balance their books due to soaring health care costs, and Americans with insurance are growing increasingly frustrated with cost shifting expenses tacked onto their premiums.

Yet the dynamics of finding a solution are conflicting and complex. A recent study found that while 75 percent of the people surveyed were generally happy with their own health care, a nearly equal 74 percent of Americans think the health care system needs a major overhaul. And only 20 percent agree they have to accept limits on their own care.

Let's face it: People want to continue to have the best possible care U.S. technology can provide, yet they want universal care and cost savings. The complex question is whether these three goals are mutually exclusive, or can we strive to achieve them simultaneously.

Today, the House Republican Health Care Task Force released a comprehensive plan of action to expand access to health care, while preserving choice and containing costs. It's called "Affordable Health Care Now." The 24 members of the task force have been working on the legislation for the last 8 months. Meeting numerous times with members of the White House Health Care Committee to exchange ideas.

The House Republican plan addresses the core problems of our health care system. It requires employers to offer health benefit plans to eligible employees. The plan must cover essential and medically necessary medical, surgical, hospital and preventive services. It does not require employers to make any premium payments for their employees; however, it encourages businesses to enroll employees in health plans though multiple employer purchasing pools or State-sponsored health benefit systems.

The plan also eliminates preexisting condition restrictions, such as pregnancy. And it provides health coverage for newborns at birth.

Americans would be guaranteed renewal of their insurance policies, regardless of job changes. To provide much-needed relief for small businesses, insurers who sell insurance in the small group market would be required to offer health benefit plans to all companies that employ 2 to 50 employees. And for the tens of thousands of self-employed Americans, the current tax deduction for the cost of health premiums would be increased from 25 to 100 percent.

Another extremely significant aspect of this plan is that it builds on reforms and initiatives already being pursued in States across this country. It provides much greater flexibility to allow States to redirect Medicaid funds into health allowance programs. It also cuts through the cumbersome, timely Federal Medicaid waiver requirements to allow States to provide coverage to

Medicaid recipients through State or federally qualified managed care programs.

The legislation also provides increased access to community health services in our rural towns; outlines detailed medical malpractice liability reforms; mandates standard claim forms be developed to reduce the enormous mass of paperwork and administrative costs; and provides for long-term care reforms.

In short, the House Republican health care plan empowers States and the private sector to take giant leaps to solving the health care crisis. It does not impose on the American people a health care system run by the Federal Government. It does not burden businesses with an employer-mandated payroll tax.

Yes, savings in Medicaid, Medicare, and other Government programs are going to have to be realized to pay for parts of this health care plan. But with a commitment to enacting health care reform, I believe Congress can put aside partisan politics and pass legislation in the best interests of all Americans.

I look forward to working with my Democratic colleagues and members of the Clinton administration to enact comprehensive reform legislation that will lead to better health care for all Americans.

WITHDRAWAL OF THE FEMA SUNSET ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, on February 4 I introduced the Federal Emergency Management Agency Sunset Act of 1993, H.R. 867. This bill would transfer FEMA's responsibilities to the Department of Defense in order to improve our national disaster response.

Although I still believe that the military should have a more coordinated role in Federal disaster response, I no longer think that we need to abolish FEMA in order to achieve this goal.

I introduced H.R. 867 because of FEMA's repeated Keystone Kops performances during the Loma Prieta Earthquake, Hurricane Hugo, and other previous natural disasters. During the past 12 years, FEMA has been a managerial morass, a political turkey farm for flunkies and political supporters of the Reagan and Bush administrations.

After watching FEMA respond to the floods in the Midwest and prepare for Hurricane Emily, I have concluded that President Clinton has successfully "reinvented" this agency. By appointing dedicated disaster response professionals, especially the new Director, James L. Witt, the President has enabled FEMA to correct the management problems caused by the neglect and incompetence of the two previous administrations.

I still hope to see changes to increase the military's role in Federal disaster response, and to permanently relieve FEMA from the responsibility for preparing for nuclear war. Under the management of President Clinton's appointees and with the commitment of the agency's dedicated civil servants, I now believe that these reforms can and will happen.

Today I ask the committees of jurisdiction to drop consideration of H.R. 867, and I support the management changes instituted by Director Witt.

NAFTA IS AN "AS IS" AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, during the last recess we celebrated Labor Day, which honored the working men and women for their contributions to he country. Each year Detroit's Cadillac Square has symbolized the industrial might of the United States as speakers extol the virtues of American workers, but that time is changing.

In those previous speeches each year, better times and opportunities were anticipated for all of us who work, but this year, there is a cloud on the horizon for working Americans. That cloud is the North American Free-Trade Agreement [NAFTA], which will affect the jobs of many working Americans.

Job losses are anticipated if NAFTA is enacted. In fact, the Federal Government is planning a large retraining effort for those workers who lose their jobs, but this will not correct the problems with NAFTA. Where are the retrained workers going to find comparable paying jobs. Chicago already has lost 47,000 jobs to Mexico, and expects to lose more if the agreement is enacted.

Unfortunately, much misinformation about NAFTA still persists at this eleventh hour before the agreement is presented to Congress. Well informed businessmen and trade experts still believe the agreement can be changed in Congress.

Recently, a friend called my office and told me the agreement was a good one although there were some serious problems with the agreement, which would have to be fixed in Congress. I told him, it is an "as is" agreement. No changes. The flaws stay, it is "as is."

I explained that anyone buying a piece of china, item of clothing, or even machinery marked "as is" understands that the item was flawed, or perhaps broken. My friend understood that explanation immediately and said he would take another look at the NAFTA agreement.

Any American shopper understands what "as is" means, but for some reason many of the people joining in the debate about the agreement do not yet understand. "As is" means Congress can take or leave the agreement as presented. A simple yes or no vote should not be adequate for such an important agreement which radically affects the future of America. Unfortunately the NAFTA Agreement is 2,000 pages long, so it is difficult for businessmen or working men and women to know just what is in the agreement.

The American court system is bypassed in totality which certainly threatens the sovereignty of this country. With the United States courts bypassed, the legal authority rests in dispute resolution panels made up of so-called experts from Mexico, Canada, and the United States. The panels will hear challenges to business and will make decisions about the issue. The losing side or country must accept the decision or pay sanctions.

There is no appeal into the U.S. court system if the decision is disputed. It can only be appealed to yet another NAFTA panel. The process is a bit different if the dispute is in one of the newly negotiated side agreements on the environment or labor.

However, on the side agreements only Canada can go to its own court system for appeals, but the United States and Mexico must use the dispute panels set up in the trination agreement.

That is something which puzzles me. Canada was exempted because it has such an excellent court system that the trade negotiators of the United States and Mexico felt it could handle its own appeals. If Canada can handle its own appeals, why can't the United States? In the NAFTA agreement, or in the side agreements, the American court system is bypassed which threatens the sovereignty of this country.

This "as is" free trade agreement is another step in creating a common market between Canada, Mexico, and the United States. A full common market requires close coordination of most economic policies, temporary entry for business people, cross-border investment, customs unions, and so forth. Again, much of the daily business and commerce into the United States across the Mexican and Canadian borders will be under the jurisdiction of three nations, not just the United States.

An agreement is a desirable thing—if it is drawn correctly. The present agreement was drawn in secrecy and is not well thought out. "As is" is not good enough for the American people. They have worked too hard to build this country and they deserve a better deal than the presently written NAFTA.

□ 1420

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. FARR). Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO THE LATE JUSTICE THURGOOD MARSHALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. RANGEL] is recognized for 60 minutes.

Mr. RANGEL. Mr. Speaker, today we celebrate the legislative weekend of the Congressional Black Caucus. There are all types of events and workshops taking place all over Capitol Hill, in an attempt for people from all over the country, and indeed, from all over the world, to share their views with us as we attempt to improve the quality of life, improve our national security, and to make America more productive and competitive.

We can only do this, not only for what we want to do as legislators, but in sharing the expertise with others. We have seen fit, with the permission of the family, to take this particular weekend to pay tribute to the late Justice Thurgood Marshall, because there is hardly anything that we are privileged to do today as legislators that is not in some way connected with the fearless and courageous battle that had been fought for us by Thurgood Marshall.

We are reminded of some of the great civil rights victories that were enjoyed by those who were privileged to march and fight side by side with the late Martin Luther King. I was privileged to be with them on that march from Selma to Montgomery. Yet, when we think about it, there was hardly a victory that we had that was not made possible because it was lawyer Thurgood Marshall that had fought the case, not only for the hearts of men, but won those cases in the bowels of our court system.

So when segregation was outlawed in the private places, as well as the public businesses, in our public schools, it was only the enforcement of those laws by the executive branch that was made possible because of the legislative victories that Thurgood Marshall brought us.

It seems that history is sometimes slow in recording the deeds that have been made and the contributions that have been made by Americans until long after they have gone. Because of the fights and the victories that were made by the NAACP, led by Thurgood Marshall in charge of that defense team, there is some kind of easy way of thinking that his victories were for African-Americans in this country. However, there is no way for us to escape the true fact that Thurgood Marshall's victories were indeed the result of him fighting for all of the people in the United States: the disadvantaged, the underprivileged, the poor, and for those who had no real voice in the laws of our land or the interpretation of those laws by our courts.

It just seems to me that we have to recognize as a nation the fact that when our forefathers were drafting the Constitution, a remarkable instrument that has allowed us to survive as a nation for over 200 years, no matter how many emotional, social, economic, and political changes have taken place, that it was written not even thinking of the African-American as being part of this great society. It was written while our forefathers, those who were African-American, were literally not treated as humans but as personal chattel. It was written where it was never even considered that they would be part of this country, except to work and to fight when ordered to do so.

However, it was just not African-Americans that were excluded from the dreams of America by those who wrote the Constitution. If you did not have land, if you did not have property, if you did not have wealth, then there was no place for you, too, in this democracy.

Fortunately, the Constitution was flexible enough to have a legislative body to enact the laws that were necessary to provide for a vehicle to amend the document, but more importantly, to provide for a U.S. court to have the flexibility to change the thinking of the writers of that document to fit the moral and political needs of the Nation in the day in which those cases have been interpreted.

□ 1430

And so we really do not have just a lawyer or another civil rights lawyer or an outstanding U.S. Supreme Court judge. I am certain that those who write literature and the obituaries will be able to find the words with their talents to interpret the life of Thurgood Marshall really as one of the writers of the Constitution, because he has interpreted the law, and fought for that interpretation. He refused to allow Americans today to have the limited dreams of those people who drafted the original document. And he insisted that the rights of all people, regardless of color, or wealth, or social, or economic status be included in that dream.

Today, of course, we can easily think of it as the last group to be recognized, the black folks in this country, north and south, who were always waiting for Thurgood Marshall to come, to bring a piece of the American dream, a piece of the Constitution to their towns, and fearlessly in their courts battling their lawyers, and battling their judges. When he left those towns ultimately, the U.S. Supreme Court made us one family.

We have so far to go. If we can only take what we have inherited from Justice Marshall and take a part of that fearless courage that he possessed, and if each one of us could continue to do just a part of his work, what a wonderful country we will have, what a productive country we would have, and how no one could challenge the morality of what we believe in.

So my colleagues, there will be many people who will be heard today espousing as to the tradition and the wealth that has been left not to us, but to our great Nation. And there will be many, many others who have provided us with papers, and their remarks to be inserted into the RECORD.

At this particular time I would like to yield the floor and the microphone to my distinguished friend and colleague from the State of New York who is a reverend and who is ordained and has his own church, and besides just talking about what we should do as Americans, spends every day and night trying to improve the quality of our lives and still carry out the Lord's work in his community by providing those services through his church and through his office.

Mr. Speaker, I yield to my distinguished colleague, the gentleman from Queens, NY, the Honorable FLOYD FLAKE.

Mr. FLAKE. Mr. Speaker, I thank my good friend, Mr. CHARLIE RANGEL, who has done such a yeoman's job in terms of just standing at the forefront of our fight on major concerns in areas like drugs. But standing today beside him I am reminded that none of us would be able to stand without the contribution made by the Honorable Thurgood Marshall.

I rise today to pay this tribute because Thurgood Marshall's role in the life of every African-American has been so meaningful. I welcome his widow, Cecilia Marshall, and members of the Marshall family who are here in this Chamber today even as we pay this tribute. This event coincides with the opening of the Annual Black Caucus Legislative Weekend, and for this reason it is a perfect opportunity for those of us in the House of Representatives to be reminded once again that the Honorable Thurgood Marshall is one who deserves honors as great as this Nation could possibly give any human being, for indeed, in the annals of history he has to have a place among the foremost and greatest jurists to ever sit on the Supreme Court, and certainly the first black American.

The lives of black Americans have been enhanced and enriched, many of them, by virtue of the various pursuits that he took upon himself. We all share his accomplishments, his legacy, all of the good that he has left behind, all of the lives that he touched, all of the meaningful experiences that we are able to have today because he took it upon himself to do battle on our behalf.

Justice Marshall's success serves as testimony to what can be achieved

with the realization and fostering of one's own gifts, the meaning of inner strength, personal commitment, unwavering integrity, the will to speak up, the will to talk on behalf of those who cannot speak for themselves, the desire to lift those who are oppressed, and to turn for those who face life knowing that they would not be able, feeling they would not be able to succeed, giving them a hope and a belief that they would.

As a child of a Baltimore schoolteacher and a yacht club steward, Marshall completed his undergraduate studies at Lincoln University, where I had the privilege of serving as dean some years ago. One of the things that those who have had a Lincoln experience will attest is there was nothing in the world like a Lincoln man, and Thurgood Marshall represented the epitome of the Lincoln man: strong, intelligent, capable, and competent. After being barred because of his race from attending the University of Maryland, Marshall earned his law degree at Howard University Law School, right here in the District of Columbia. He graduated in 1933 at the top of his class. And just as Marshall used that degree to focus his energy to do right where he perceived people had been wronged, and indeed not only perceived they had been wronged, but in most instances because of the laws of the land in fact had been done wrong.

While practicing law in Baltimore, one of his first civil rights cases was a suit by a black student who had also been denied entry into the University of Maryland. Of course, he won that case and many, many more of them.

He also was the lead attorney in the integration of the Little Rock, AR, Central High School. I, as a young boy, had the privilege of seeing not only that work, but the results of that work, because in so doing he opened up the possibility for many people to be able to enter institutions that they could not have otherwise entered.

In 1992 when I left Houston, TX, even the University of Houston had not yet been integrated. The reality is that schools and other institutions that were subsequently integrated were because of the work of Thurgood Marshall. All of us who came today owe him a debt of gratitude. We owe him a debt of gratitude because having been selected by President Johnson and appointed to the Supreme Court, he was able to show us what it means to withstand each and every challenge that life has to present.

I certainly would commend to many of our young people today, particularly the young African-American male, the life of Thurgood Marshall as one that is worthy of emulating. Again and again Thurgood Marshall was rejected. Again and again he was despised. Again and again he found himself being under attack from the mainstream, from business, from education, and from Government. Yet he stood tall, yet he took his position and would not be moved, and when many people would expect that such a bright and talented person would become frustrated and bitter, Marshall concentrated his energy to be positive, and cleared the path for generations to come, and generations even this day which are yet unborn which will be the recipients of the benefits that he has left to us.

I believe that Marshall's endurance changed my life personally. I know that it has opened opportunities for many children. I want to thank him for the gift that he has left us. I want to thank him when several years ago he was here on the Hill, my son, who is now 13, had an opportunity to stand beside him and take a picture, which is now in my son's bedroom to serve as an inspiration for him.

Truly, our lives are better. In the words of the old prophet who declared there would come one who would help to make the rough road smooth, to make the crooked road straight, who would help us to bring up the exalted mountains and to lift up the hills, Thurgood Marshall indeed has done that for us. He has challenged many others that they might go forth and do the same thing.

If I do nothing more in life, if I can but walk at a distance behind him, and from his shadow gain the strength to keep walking, that I will do, for I believe that his life is one that is worthy of following.

Mr. RANGEL. I thank my distinguished friend from New York.

Mr. Speaker, I am now privileged to yield to the gentleman from the sovereign State of Pennsylvania [Mr. BLACKWELL], a civil rights fighter in his own right.

□ 1440

Mr. BLACKWELL. I thank the gentleman for yielding.

Mr. Speaker, I want to join with my colleagues in honoring and paying tribute to a great American, Justice Thurgood Marshall.

I believe it is fitting that we pause to remember and recognize the tremendous contribution that he made, not just to America's justice system, but to social justice as well.

Thurgood Marshall was a great jurist, a relentless voice for the voiceless and a lawyer's lawyer, whose legal career spanned over 60 years and epitomized the suffering and success of the civil rights movement.

Justice Marshall beamed in our cramped and constricted community, a community in which the law at one time ordained segregation in the courtroom and exclusion of African-Americans from the jury box.

As a result of his career as a lawyer and as a Justice, Thurgood Marshall left an indelible mark, not just upon the law, but upon this country as well.

While his accomplishments are well known, some of them are worthy of review. From 1940 to 1961, he traveled the country, defending the rights of minorities and challenging the status quo.

He won dozens of important civil rights victories, prevailing in no fewer than 29 of the 32 cases he argued before the U.S. Supreme Court.

Most notable among his victories, of course, was the landmark, 1954 decision in Brown versus the Board of Education. That case ended "separate but equal" school systems and led to the integration of public schools.

Sometimes called a "national treasure," Justice Marshall said he wanted to be remembered as one who, "Did what he could, with what he had."

For those whose lives he touched, we have a lasting memory to one whose commitment to and reverence for the American justice system was second to none. Justice Thurgood Marshall earned our respect.

Mr. RANGEL. I thank the gentleman for his comments.

Mr. Speaker, this body is privileged to have quite a number of people who have excelled in the area of fighting for civil rights, but one of the Members that fought for it in a climate that has not been as easy as for other Members has been CHARLIE ROSE from North Carolina. Mr. Speaker, I am proud to yield to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. I thank the gentleman from New York, Chairman RANGEL, for yielding to me.

Mr. Speaker, on August 5, I introduced House Concurrent Resolution 133, as chairman of the Committee on House Administration and vice chairman of the Joint Committee on Printing, which provides for the printing of statements made here today along with other related material and illustrations made in tribute to the late Justice Thurgood Marshall.

The House Administration Committee, which I chair, acted unanimously the same day, to the printing resolution, and I expect the House to adopt this resolution sometime next week so that these proceedings today can be memorialized in print and distributed widely to people who wish to hold in their libraries or in their memory what has been said here today about this great man.

In the fall of 1991, Justice Thurgood Marshall announced his retirement after serving on the U.S. Supreme Court for 24 years.

When he announced his retirement, Julius L. Chambers, director-counsel of the NAACP legal defense and educational fund, stated that for decades Marshall had been the foremost champion of equal justice and opportunity for minorities, and that his powerful voice would be sorely missed.

It has been my honor to know Julius Chambers, having attended the same

law school that he did at approximately the same time.

I know that I can speak for myself and my colleagues on both sides of the aisle, that we have missed Justice Marshall greatly, the lawyer, judge, and public servant; and we extend our heart-felt sympathies to his wife Cecilia and their two children, Thurgood, Jr. and John William, and to the rest of the Marshall family.

His focus and concern was not only for the civil rights of black Americans, but for all Americans. The poor, the Native Americans, laborers, the women, disadvantaged, he was there for all. He cared very deeply and worked endlessly for the freedom of speech for all Americans that we all enjoy.

Born on July 2, 1908, in Baltimore, MD, to William and Norma Williams Marshall, he attended local elementary and secondary schools in that city. In 1930 he graduated with honors from Lincoln University, in Chester County, PA, then went on to seek admission to the all-white University of Maryland Law School where his admission was denied. He then chose Howard University where he graduated at the head of his class in 1933.

At only 26 years of age, and 1 year out of law school, Marshall became counsel in 1934 for the NAACP branch in Baltimore, MD. He joined the organization's national legal staff in 1936 and was appointed chief legal officer in 1938. He served from 1940 as director-counsel of the NAACP Legal Defense and Educational Fund until his appointment to the Federal bench.

As a trial attorney his career culminated with the 1954 Supreme Court decision, as has been stated in Brown versus Board of Education of Topeka, KS. This was the key victory to dismantle segregation in the United States.

Thurgood Marshall was nominated in 1961 by President John F. Kennedy for appointment to the Second Circuit Court of Appeals where he was given a recess appointment in October 1961 and was confirmed by the Senate in 1962. President of the United States Lyndon Baines Johnson named him Solicitor General of the United States and nominated him to the Supreme Court in 1967. Neither of these positions had ever been held before by a black American.

I could go on and on about the many accomplishments and honors that have come to Justice Thurgood Marshall in the work that he has done. But in fairness to my colleagues I will be brief. I remind you of a story that someone once told me about Justice Marshall, and I offer this in the sense of humor which Justice Thurgood Marshall certainly enjoyed.

I am told that at one time a major religious denomination had decided to make a charitable contribution to a black church in New York. The church decided that with the money they would buy a plot of land in which they could build a cemetery. Unfortunately when the news broke, the people of the surrounding neighborhood, predominantly white, where the land was located, were outraged and had no intention of this plan going forward. To make a long story short, between the zoning board, the council, and the residents, their plan went nowhere and they decided to hold on to the land. Many, many years later a white gentleman came along and went to the church and talked to the minister about buying the land. Lo and behold the land had appreciated so much in value that it was sold at a price that would allow for the church to buy other land in the city for a cemetery, to pay off the mortgage on the old church, to repair the building, and have much additional money left over.

□ 1450

Upon hearing of this, Thurgood Marshall is reported to have said that the moral of this story is simple, "Thank God for prejudice."

On August 5 I introduced the resolution of which I spoke. I hope that we will be able to print enough copies of these words from the floor of this House so that all can enjoy them for all time.

I thank the gentleman from New York, CHARLIE RANGEL, my dear and close friend, for allowing me to say a few remarks here today. I would sincerely thank him for organizing this special order today and for making me aware of the opportunity that we have now to print this in a way that can be remembered by many Americans.

I thank Chairman RANGEL for his leadership in this area and thank him for recognizing me.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from North Carolina, particularly for his contribution in making certain that the RECORD that is made today will be put in a form that will be lasting and one that Thurgood Marshall's family and friends can be proud of.

CORRINE BROWN, a new Member from the State of Florida, a new addition to the Congress and a proud member of the Congressional Black Caucus. When I first came to the Congress I followed Shirley Chisholm. She increased the number of the Congressional Black Caucus to nine. I got here and there were 13. Last year there were 26.

Now in the House of Representatives we have 39, with another Member in the Senate.

Some may say that CORRINE BROWN got here because of her hard work and support in the community. Others might attribute it to the Voting Rights Act, but if we had to find one person who made that Constitution come alive and let the whole world know, and especially let America know that the Constitution was made for all of us, I am certain we in the Congressional Black Caucus would say that for us, too, Thurgood Marshall made the path.

Mr. Speaker, I yield to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Speaker, we are here today to honor a great American, Thurgood Marshall, one of this Nation's greatest judges and the first African American to serve on the Supreme Court.

When I was sworn in in January, history was made. Sixteen new African-American Members were seated in the House of Representatives and one African-American Senator, CAROL MOSELY-BRAUN was seated, expanding the number of Congressional Black Caucus members to its greatest size ever. There are now 54 women, 19 Hispanics, 9 Asians, and 1 American Indian. This is the highest number of minorities to ever serve in the history of the U.S. Congress. I, and others, would not have the privilege of serving in Washington if it were not for the courage and sacrifice of those great leaders who led the way before us. One of my personal heros is the late Supreme Justice Thurgood Marshall who did so much to make opportunities available for many of us. Most of you know that Justice Marshall, appointed by President Johnson in 1967, was the first black to serve on the U.S. Supreme Court where he championed the rights of the shut-out and the disadvantaged. What you may not realize is the truly remarkable road he traveled to get to the Supreme Court. His journey continues to inspire me.

After growing up in segregated Baltimore he decided to attend Lincoln University. His father, a Pullman car waiter, and his mother, an elementary schoolteacher, made great sacrifices to send him to school. His mother pawned her wedding and engagement rings to help pay his expenses. Marshall worked part time, at different times, as a bus boy, waiter, baker, and grocery clerk. Marshall graduated with honors in 1939 and applied to the all-white University of Maryland Law School. He was rejected because he was black. He then enrolled at Howard University School of Law. When he graduated, he started work with the Baltimore NAACP. One of his first law suits was against the University of Maryland Law School to force them to admit blacks. He succeeded and was responsible for the first black student being enrolled in 1945. He continued these legal fights for 30 years. Marshall argued, and won, more cases before the Supreme Court than anyone I'm aware of. Of course the most talked-about case was the 1954 Brown versus Board of Education decision which ruled that all children had the right to attend schools that were not segregated and second-rate.

I would not be here today without the foundation laid by Justice Marshall. I hope his legacy inspires us and the generations behind us.

Mr. RANGEL. Mr. Speaker, before I got here, LOU STOKES was here from Cleveland, OH. He brought with him a legal record of having scored victories in our courts throughout the country, as well as the political history of his brother, Carl Stokes, who became the first African-American mayor of any major city, so he comes from a family of civil rights fighters; but more importantly, he comes here to continue the great tradition left to us by Thurgood Marshall. I am glad that his remarks will be included in this historic document that is being made today.

Mr. Speaker, I yield to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from New York, CHARLIE RANGEL, for providing us this opportunity to gather in this Chamber in order to pay tribute to a great civil rights pioneer and a great American, the late Supreme Court Justice Thurgood Marshall. With his passing earlier this year, the Nation lost a committed human being and legal scholar.

I believe it is entirely fitting that this special order be held today. Just this morning the congressional Black Caucus, of which I am proud to be a founding member, convened its 23d annual legislative weekend here in the Nation's Capitol. My colleagues and I began the legislative session by sponsoring a special town hall meeting entitled, "The Lani Guinier Nomination: The Meaning of Race In America." Held at Howard University Law School, the town hall meeting provided an opportunity for a close examination of our progress in the area of race relations and civil rights.

Mr. Speaker, no one contributed more to the struggle for civil and individual rights in this country than the late Justice Marshall. For more than six decades, he blazed a pathway to equality through our Nation's justice system. With his passing, the Nation lost a great champion and hero. I join my colleagues at this time in reflecting upon the life of the late Justice Thurgood Marshall.

Long before his appointment to the U.S. Supreme Court, Justice Thurgood Marshall championed the rights of the underprivileged and the unrepresented. In 1936 he was hired as an assistant to the national counsel for the National Association for the Advancement of Colored People [NAACP]. In 1939 Marshall created the NAACP Legal Defense and Education Fund which he headed from 1940 until 1961. Under the umbrella of this organization, Justice Marshall worked within the legal system to improve the rights of minorities. In an unprecedented fashion, he won 29 of the cases which he argued before the Supreme Court.

Mr. Speaker, Justice Marshall earned a place in history for his leadership in the landmark 1954 Supreme Court decision, Brown versus Board of Education. Through a series of well-crafted court cases over several years, Justice Marshall methodically dismantled segregation in our Nation's schools. This decision provided all Americans, regardless of race, creed, or color, equal access to a quality education.

Justice Thurgood Marshall was appointed by President Kennedy to serve on the bench of the U.S. Court of Appeals in 1961. in 1965 he secured a place in history once again when Justice Marshall was appointed by President Lyndon Johnson as the first African-American Solicitor General of the United States. As the Nation's top lawyer, Justice Marshall was responsible for assuring the Supreme Court's approval of the 1965 Voting Rights Act which secured equal voting privileges for all Americans.

Upon President Johnson's nomination and the confirmation of the U.S. Senate, Justice Marshall became the first African-American in the history of the Supreme Court. During his 24-year tenure on the Court, Justice Marshall served as the legal voice of American liberalism. He aggressively assaulted racism, bigotry, and prejudice with his brilliant mind and candid speech which can never be matched. His retirement in June 1991 marked the end of a significant ERA on the U.S. Supreme Court.

Mr. Speaker, I am proud to note that prior to my election to Congress, it was Justice Thurgood Marshall who inspired me in my practice of the law. His writing and words served as a pillar of authority for myself and other young lawyers committed to civil rights. One of my greatest memories is that a few years ago I argued a case before the Supreme Court on which Justice Marshall sat. Arguing before Justice Marshall in the landmark case of Terry versus Ohio is my most cherished moment as a lawyer. As we gather today, we recall the late Justice Thurgood Marshall as a drum major for equality, an idol and a role model for each of us. As his widow, Cecelia Marshall, and members of his family join us, we salute this great pioneer and legend. He will never he forgotten and his words will continue to inspire us in the struggle for justice and civil rights.

□ 1500

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES].

Before recognizing the distinguished gentleman from Georgia [Mr. LEWIS], I would like to point out to my colleagues that sitting with us today is a distinguished former Member, Father Robert Drinan who has not only defended our Constitution outside of these august halls, but was one of the Members that served so well on the Committee on the Judiciary when the very Constitution that Thurgood Marshall was trying to improve upon was threatened with a possible impeachment of a President of the United States. He has continued his fine work and was responsible when he was chairman of the section of individual rights and responsibility of the American Bar Association to persuade the members of that group to establish the Thurgood Marshall annual award for distinguished U.S. attorney devoted to civil rights and civil liberties. That award continues on, but more important than that is the spirit in which Father Drinan lives his life, using the guidelines that have been set by Thurgood Marshall.

Mr. Speaker, though the rules of the House will not permit Robert Drinan's prepared remarks to be stated personally by him, I ask that they be inserted into the RECORD at this time:

REMARKS OF ROBERT F. DRINAN, S.J.

I first met Thurgood Marshall on the steps of the Supreme Court after he had argued a case in the early 1950's in which he once again urged the Supreme Court to abolish the doctrine of Separate but Equal. Thurgood Marshall could not have known at that time that within a few months he would prevail in *Brown* v. *Board of Education* and thereby change for the better the entire future of American society.

Like the entire nation, I followed the career of Thurgood Marshall as he became a Federal judge, the Solicitor General, and finally a Member of the United States Supreme Court. I shared the pride of every American when the entire world gave him veneration on the occasion of his majestic funeral.

When I became Chairman of the Section on Individual Rights and Responsibilities of the American Bar Association, I persuaded the members of that organization to establish the Thurgood Marshall annual award for a distinguished U.S. Attorney devoted to civil rights and civil liberties. The Section on Individual Rights and Responsibilities and indeed the entire American Bar Association were honored to extend the first Thurgood Marshall award to Justice Marshall himself. On that unforgettable evening at a dinner in San Francisco at the annual meeting of the ABA in August 1992, I spoke at some length with Justice Marshall about his life and his career. Although he was characteristically modest, it was clear that he was pleased on that evening that finally the legal establishment of America, the ABA—had honored him for his decisions and his achievements.

I am happy to say that the Thurgood Marshall award was given this year to Judge Frank Johnson, a courageous Southern jurist who implemented the desegregation decisions of Justice Marshall. On that evening in New York City in August 1993 when the legal profession gave the Thurgood Marshall award to one of the great figures in the history of American Law, all of us knew with a deeper certainty that Thurgood Marshall had won the recognition which he earned and deserved.

As a member of the House Judiciary Committee from 1971-1981, it was immensely reassuring to know that Justice Thurgood

Marshall would be a stalwart ally of the expansion of civil rights and civil liberties which the House Judiciary Committee continuously sought to bring about. Justice Thurgood Marshall's presence and his examples continue to be immensely encouraging. For all of that we here today, as well as the entire American people, express gratitude to him today and always.

Now it is my privilege to bring to the floor our chief majority whip, our reverend voice of conscience, our civil rights leader, a man that just did not fight in the courts, but fought upon the streets to enforce those laws that Thurgood Marshall was winning in the courts. It is with high honor that I bring to my colleagues the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and our dear colleague, the gentleman from New York [Mr. RANGEL] a standing Member of this body, for holding this special order. I feel it is fitting, appropriate and proper that we salute and pay tribute to Thurgood Marshall.

As my colleagues know, 30 years ago, September 5, 1963, a bombing took place in Birmingham, AL on a Sunday morning 30 years ago where four little girls were killed in a black church while attending Sunday school. So, it is fitting today that we salute Thurgood Marshall.

When I was growing up in Alabama a few years ago, Mr. Speaker, I saw those signs that said, "White Men, Colored Men," "White Women, Colored Women," "Colored Waiting, White Waiting." Justice Marshall led the legal fight to bring down those signs, and those signs are gone, and they never will return again.

Justice Thurgood Marshall represented the very best of America. He was a source of inspiration to millions of Americans.

Long before I met Justice Marshall, or Thurgood Marshall, I heard others refer to him as Mr. Marshall. But in 1954, May 17, 1954, when the Supreme Court issued that great decision, it was the lawyer, the head of the NAACP Legal Defense Fund, that shepherded that fight through the Supreme Court.

Mr. Marshall was a protector of civil rights, a protector of civil liberties. He defended the Constitution, the Bill of Rights. As a Supreme Court Justice, Thurgood Marshall served this Nation well. He brought tremendous dignity and compassion to the Supreme Court. His years on the bench will be remembered as years of great change for our country and for all of us as Americans.

Justice Marshall served as a guiding light and as an outstanding leader. He traveled the length and breadth of this country, and he told every student in Nashville, when he would come and speak to an NAACP rally or to a group of students at Fisk University, to fight, to stand up. He stool tall. He inspired as all, and I dare to say, if it was not for Thurgood Marshall, I would not be standing here today as a Member of the House of Representatives.

Justice Marshall brought about a nonviolent revolution under the rule of law, and I say to my colleagues, Justice Marshall must be seen as one of the founding fathers of the new America. We must pay tribute to the role this man played in our recent history, and we must never ever forget his contribution to the American society, that Justice Marshall made America a better place, Justice Marshall, our leader, our fighter, our defender."

Mr. RANGEL. The late Thurgood Marshall's name and fame is felt throughout the world, but it really proves that the caucus here from north and south and east and west are able to bring us the feeling of the hearts of many Americans that cannot be here themselves, but through their Representatives, and so one of the newer Members of Congress, the distinguished gentleman from California [Mr. TUCKER], will share his comments with the House.

Mr. TUCKER. Mr. Speaker, and to the very distinguished gentleman who has once again provided great leadership in bringing this wonderful tribute to the House floor today, and, of course, to Mrs. Marshall and the Marshall family, I am so happy that we could use this occasion, particularly at the time at the advent of the Black Caucus legislative weekend here in Washington, DC, to come together, Members, and friends, and African-Americans, to pay tribute to a man who really needs no introduction, but a man who stands tall and who stands proud in the history and annals of civil rights and African-American history.

□ 1510

Earlier this year, as a member of the Public Buildings and Grounds Subcommittee of the Committee on Public Works and Transportation, I had the esteemed honor and privilege to come to this House floor and to be a cosponsor of the very first piece of legislation that I was involved with as a new Member here in the House. And quite fortuitously and fortunately, that piece of legislation was a bill to name the Federal Judiciary Courthouse here in Washington, DC, after the late and the great Justice Thurgood Marshall.

It was a proud moment for me, because it connected me in some way to the kind of salute that so many African-Americans would like to give to our fallen hero. It was a proud moment for me, because it was an exceptional piece of legislation that was overwhelmingly passed, commending an exceptional human being.

I join today with the comments of many of my colleagues who have preceded me, colleagues from all over the country, and not just African-American, but all Americans, who have alluded to the fact that had it not been for Thurgood Marshall, many of us would not be here. Whether we sit on this side of the rail or that side of the rail, many of us would not be here.

I know myself I probably would not be here, had it not been for Thurgood Marshall, a very special individual indeed. An African-American who, to me and my community, is a role model.

You know, that word "role model" is a very important word. It has been bandied around so many times of late, so much so that of late when we think about the word "role model" we have a tendency to believe that we would open a dictionary and find an African-American slam-dunking a basketball, or throwing a football.

But to me, Thurgood Marshall, Justice Thurgood Marshall, was the role model of role models. As a lawyer, I appreciate his advocacy. As a student of the bar, I appreciate his wonderful academician as a jurist, a man who tilled long and hard in the vineyard, on the cutting edge of warfare. Not the warfare known by so many of my brothers and sisters on the street, some who associate with red, and some who associate with blue, but a man who had the courage to stand in the gap and fight for those things that were not insane, incipient, and irrational, but those things that went to the very heart of human decency, integrity, and civil rights.

Thurgood Marshall was a role model of role models. But he was not only that. He was a great African-American. And if the truth be known and the record be replete, history will reflect and record that he was a great American among Americans. In fact, his work over the many, many years has become a part of the wonderful historic fabric of this country, a wonderful quilt, woven together with stripes of courage, patches of patriotism, stars of unselfishness, and pieces of principle persistence. That is what Thurgood Marshall means, not only to me, but to this country. He indeed is a national treasure. A great American, a great advocate; of course, his career highlighted by the 1954 Supreme Court decision of Brown versus the Board of Education. A great jurist for over 24 years, and, of course, our only black Supreme Court Justice. Not to mention the fact that he was a great civil rights leader in his own right.

As I progress and matriculate as a new Member of Congress, even only 8 months new, the spirit of a Thurgood Marshall inspires me and encourages me to not just revel in his history and revel in his legacy, but to embrace the legacy and pick up his baton.

A few weeks ago, I thought about the legacy of Thurgood Marshall, and I thought about that decision in Brown versus the Board of Education. And Justice Marshall was saying that there is no way that the school system could

be separate and at the same time equal. There is no way that segregated schools were fair.

He lived, and indeed, he died for fairness and equality in education. And as such I began to think about his legacy and the current school system, and whether or not his legacy has been honored, whether or not there is equality in the school system today.

Those of you, like me, who have been looking at the news of late, realize that all throughout the country, one of the biggest issues that we have today, in 1993, almost 1994, is inequality within our educational system.

Still today, many years, 40 years after that landmark decision, we still have inequality in our public education system.

So a few weeks ago, I devised a bill called adopt a school. That is a bill targeted specifically at those areas in our society where the poverty rate is such that you find a chronic and consistent incidence of inequality and inequity within our public education system. A piece of legislation targeted at incentivizing corporate America, the private sector, to match and to meet and to marry with the public sector in order to level the playing field.

So indeed, the spirit and the legacy of Thurgood Marshall carries on. It carries on to Members of Congress like myself, who know we must continue to pick up the baton and fight and be ever vigilant to ensure that education is fair for every last American in this country.

Thurgood Marshall has over his lifetime represented the best that this country had to offer. His quote that many that alluded to who preceded me, that he did the best with what he had to work with, showed that he truly did the best with what he had, because he was the best that this country has to offer. He offered us hope. He offered us a way to overcome the sometimes schism and dividing lines of race, creed, and color. He was indeed a crusader for the oppressed. He was indeed a champion of champions.

If you really want to understand what revolution means, I do not think you have to look into the streets to see those who carry the Molotov cocktails in the Los Angeles riots. We should look to men like Thurgood Marshall, who have revolutionized our society. And even in his death and in his memory, he continues to do so, showing indeed that the pen is mightier than the sword.

So today, Mr. Chairman, I thank you for this honor and this privilege to stand with other Members of the House of Representatives, to give tribute and to applaud the brilliant mind, the down to earth spirit, of a great legal giant, who served his entire life.

In closing, Mr. Chairman, I am reminded of a passage in the Book of Books, when another great man named Paul looked back on the annals of his life and summarized it by saying this: "I have fought a good fight, I have finished my course; but, most importantly, I have kept the faith."

To you, Thurgood Marshall, we say God bless, and we will continue to keep the faith.

Mr. RANGEL. Mr. Speaker, at this time I would like to yield to the distinguished chairman of the 39-member Congressional Black Caucus, the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I thank the gentleman from New York very much.

Mr. Speaker, I have just been called off the floor on an urgent matter, and regret that I am going to have to leave at this moment. I will hopefully try to get back.

Mr. Speaker, I would like to commend the gentleman from New York [Mr. RANGEL] and all the other Members who have come here to add in these remarks. Thurgood Marshall grew up just blocks away from where I had the opportunity to grow up. And as a Baltimorian and a Marylander, those of us who reside in that State share a special pride and a special link and bond.

Mr. Speaker, I again wish to thank the gentleman from New York [Mr. RANGEL] for leading us here to the floor of the House today for this very special order.

Mr. RANGEL. Mr. Speaker and my colleagues, if one would ask who is that constitutional lawyer in the House of Representatives, they would have to talk about the distinguished gentlewoman from the District of Columbia [Ms. NORTON]. Not only has she proven her knowledge of the Constitution by serving as the Commissioner of Human Rights, but also her fight and her struggle for justice, no matter where injustice is.

□ 1520

Thurgood Marshall could not leave a legacy of more legal expertise or fight into the person that has the responsibility of bringing the citizens of the District of Columbia into full citizenship.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. RANGEL], both for his kind words and for his initiative in bringing Members to the floor to speak of one of the great men and one of the greatest lawyers of American history.

Inevitably, perhaps, when we think of Thurgood Marshall, we take his as a point of departure for our own lives, especially those of us who have directly benefited from his work, as I have.

Two of the high points in my own life are directly related to the work of Thurgood Marshall. One of them, I must say, occurred in this very city on May 17, 1954, when I was a student at Dunbar High School. The principal sounded the bell. It was near 3 o'clock. He informed us that the schools in which we sat in the Nation's Capitol had just been declared unconstitutional by the Supreme Court of the United States.

As a child, I had never thought that that is a day I would come to see. Segregation was part and parcel of the way this city operated in each and every way. In this Capital City, one could not go to the movies except with other black people. One could not go downtown to the theater or to see the National Symphony Orchestra. This Capital of the United States was, in virtually every respect, like the places deeper in the South from which some of my colleagues have come.

I knew, though, that the person who had accomplished this historic mission was Thurgood Marshall. You could not go to school in the District of Columbia without knowing his name and understanding his work.

Just a few years later, a high point of my own legal career was to occur very early in that career. In order to argue before the Supreme Court, one has to have been a member of the bar for 3 years. I had just made it, when I got the opportunity, 3 years out of law school, to argue before the Supreme Court of the United States with Thurgood Marshall sitting on the bench.

It was a case of some irony. It was a case I am almost sure delighted the Justice.

In this matter, I represented some men from Princess Anne County, MD, I in my capacity as a lawyer for the American Civil Liberties Union. Young men who had been kept from speaking because of the way in which they chose to speak about black people, about other people of color, about Catholics. I must say, there was almost no ethnic group not on their list of undesirables. And they spoke about such people in terms that I will charitably call "derogatory."

One they had made such a speech, the county attorney went into court the next day and got an order keeping them from speaking the next day. That is know, in our law, as prior restraint. And while people have been kept from speaking in our country on numerous occasions, there are very few cases in which people have been kept from speaking before they spoke. And so I argued that under the first amendment, unless there was a clear and present danger that could not be quelled, these people, these racists, had to be given the opportunity to speak.

I must tell you, I won this case, and there was no dissent, including from Mr. Justice Marshall. And the reason there was no dissent from Mr. Justice Marshall is something that is a lesson

that has to be relearned, because Mr. Justice Marshall stood not merely for black people but for a set of principles.

It was Mr. Justice Marshall himself who had argued, in case after case defending the rights of black people, that the first amendment was virtually absolute. It was black people themselves who historically had been the targets of those who wished to abridge free speech. So the Princess Anne County case was an easy case for Mr. Justice Marshall.

It is elementary that the first amendment cannot apply to black people unless it applies to those who are against black people. And indeed, had it not been for the first amendment, black people would have had no weapons whatsoever. We had no rights. We had no guns. We had the power to petition. We had the power to tell them what they were, that they were white racists. And finally, finally, we penetrated.

And who is it, who is it who helped us to penetrate? Well, I must tell you, Mr. Speaker, it was nobody who sat in this Chamber who helped us to penetrate. Thurgood Marshall is a great man in no small part because he found a calling and a chamber in which to argue our rights. And it was not this Chamber, and it was not the Chamber on the other side of the Capitol.

We got our rights because time after time Thurgood Marshall and his comrades marched into the courts of the North and of the South and argued that under the Constitution of the United States we were entitled to our rights. And he argued and he argued and he argued until it could not be gainsaid.

And he argued in the face of precedents that said just the opposite, precedents that said we did not have any rights that had to be recognized except in a segregated context. And when you have the Supreme Court of the United States saying that, you better have yourself a strategy if you want to turn that around. And that is exactly what Thurgood Marshall had.

And so Marshall led his band of lawyers for years, chipping away brilliantly at the precedents against us until he got to 1954. And then there was a major debate within the annals of the lawyers, the NAACP Legal Defense Fund lawyers and the Howard University group. Shall we now put to the Supreme Court of the United States this proposition: That under the 14th amendment, separate but equal is unconstitutional.

It was an extraordinary risk. For had the Court ruled otherwise, the Plessy versus Ferguson precedent would have been strengthened and African-Americans would have been set back a century.

Why did Thurgood Marshall take the risk? Because he had prepared the way, because for years the precedents had led to the point where the NAACP was ready to make that case, to risk that decision. And we know that a decision was unanimous.

Yes, he became a model for black lawyers, for constitutional lawyers and for the American lawyer. I entered law school in 1960. There was no other lawyer but Thurgood Marshall, as far as I was concerned.

I went to law school in imitation of the life of Thurgood Marshall. There were so few black lawyers that a few years later, John F. Kennedy helped to create the Lawyers Committee for Civil Rights under the law, because there were so few lawyers to go South to argue the cases that were then mushrooming up, in part, because students like me, who were part of the Student Nonviolent Coordinating Committee, were challening segregation physically by sitting in and sitting down.

□ 1530

Yes, Thurgood Marshall had been there before in that way as well, for he was a movement lawyer in the literal sense. When Marshall went South to talk to his clients, he risked his life. When most lawyers went south to talk to the students, they were not out in the vineyards where there was danger.

If you wanted to practice civil rights law in the 1930's and 1940's and 1950's, there was no other way to practice it. The problem was to find a man or woman brave enough, and we found him. He was a movement lawyer, all right. He brought together in his own work what we were doing as students and what lawyers in the highest courts did every day.

When Mr. Justice Marshall came to the Court, he understood instinctively and absolutely his role, the role of the first black on the U.S. Supreme Court. Look at his writings. Look at his decisions and opinions. Here we have a man with a judicial philosophy, bringing it to bear across the law from cases involving the death penalty to cases involving abortion. He was a man who brought out of his experience, as a black man, as a black lawyer, as an African-American, a philosophy of rights that he spread across the jurisprudence of our country.

He understood that he was the first black on the Supreme Court. He understood that that gave him an obligation beyond his own race. He understood that we would be looking for what he did in cases involving African-Americans, but he understood his role was one of universal human rights. Through his many decisions, many more who were not black and those of us who are came under constitutional protection, not the least of them women, who only in 1971 were declared to be entitled to equal protection under the 14th amendment.

As I stand in this Chamber, above all I am reminded that this Chamber was unwilling, and that that is what, as much as anything, took Thurgood Marshall to where we could be heard without the din of racism, until we were finally heard.

Today at a forum opening the Congressional Black Caucus weekend, a number of people got up and asked the panelists questions. One of them was a successor, the successor to Thurgood Marshall at the NAACP Legal Defense Fund, the first woman to hold the post he held, Elaine Jones. She asked a question that I found very intriguing. Essentially it was whether lawyers were as important as they once were, as we look to the future of black people.

Ms. PELOSI. Mr. Speaker, it is an honor to participate in the first official tribute by the House of Representatives to the late Supreme Court Justice Thurgood Marshall. I want to thank Congressman CHARLES RANGEL and the Congressional Black Caucus for their leadership in arranging this Special Order and for inviting Justice Marshall's widow, Mrs. Cecilia Marshall, to witness this event. We are honored by her presence.

I will not recount his incalculable, enormous contributions to civil rights in America, as others will do, other than to say that without Thurgood Marshall, America would be so much less than it is today. Without Thurgood Marshall, America would not be the strongest democracy in the world. Without Thurgood Marshall, America would be a country whose Constitution would, like many other countries in the world, be mere words—rather than a document of active deeds.

In fact, many of us who have been elected to this House—blacks, hispanics, asians, and women—would not be here, in this Chamber, were it not for the wisdom of Justice Marshall.

San Francisco mourned the passing of this great man, as did all of America. In our city, we have a leader in the African-American community, Alex Pitcher, who worked on the legal team assembled by Justice Marshall when he began his crusade to desegregate first, American schools and then American society. We have lawyers who were his students and law clerks, who continue his teachings through the zealous pursuit of civil and human rights causes. We have ministers and community activists who pursue the causes of empowerment and equality based upon the principles enunciated by Marshall in his writings and his speeches.

Thurgood Marshall, throughout his life, reminded us that America is a country of great promise, but the promise has not yet been totally fulfilled. We all have a duty to ensure that his legacy of equal justice not only endures, but also expands and thrives until all barriers of hatred and racism are eradicated from this Nation.

Mr. Speaker, Noah Griffin, a San Francisco columnist whose parents worked with Justice Marshall wrote an article recounting his impression of the great Justice. In the article, he quoted Longfellow's eulogy to Charles Sumner as equally appropriate for Marshall, and it was so fitting that I will close with it:

Were a star quenched on high
For ages would its light

Still traveling downward from the sky
Shine on our mortal sight
So when a great man dies
For years beyond our ken
The light behind lies
Upon the paths of men.

Justice Marshall will be greatly missed.

Mrs. MORELLA. Mr. Speaker, I am pleased to participate in this special order honoring former Supreme Court Justice Thurgood Marshall—a great Justice and attorney who was one of the few to participate on both sides of the bench before our Nation's highest court. As a young man, Thurgood Marshall was denied admission to the University of Maryland School of Law because of his color. Years later, however, he not only led and won the fight to end the segregation of this school, but also won the fight to desegregate all of America's schools in the landmark Supreme Court case, Brown versus Board of Education.

However, his influence on our Nation did not end there. His creation of the NAACP Legal Defense Fund provided African-Americans everywhere with the hope that separate but equal would soon fade into the mists of history, alongside slavery. With the realization of this dream, Thurgood Marshall joined the ranks of Martin Luther King, Harriet Tubman, Frederick Douglas, and Booker T. Washington as one of the most influential African-Americans in the political arena.

Thurgood Marshall has been called a thoughtful and principled jurist, but that is far too limiting. He was thoughtful and principled in all of his actions, from his fights to protect African-Americans in the legal and political systems to his leadership in protecting the civil rights of all Americans while serving on the Supreme Court.

Throughout his life in the public sphere, through the many different roles that he played on the stage of life, Thurgood Marshall always held to one thing: That all Americans were protected by the Constitution's greatest promise of equal justice for all, no matter their race, religion, nation of origin, and gender. For his diligence in securing and guarding these protections, the Nation owes to Thurgood Marshall not just our admiration and respect, but our deepest gratitude.

Mr. SANDERS. Mr. Speaker, each of us lives in history. As we each are shaped by those people who came before us and the institutions they established, so each of us in our own fashion shapes the history of our own time and community. Usually, that shaping is seen only in the effect we have on our families and friends, our local community, the places in which we work and worship, the Government as it is formed by the selections we make in the voting booth.

It is given to very few men and women to profoundly alter the course of history. Thurgood Marshall was one such human being.

Born in Baltimore in 1908, the son of a Pullman porter and a schoolteacher, Thurgood Marshall was raised in a country which demanded that he, and every other African-American, be treated, legally, as a second-class citizen. Twelve years before his birth the Supreme Court had ruled, in Plessy versus Ferguson, that racial separation—the infamous "separate but equal" decision—would henceforward be a legally acceptable way in which Government could treat black people. Segregation became the law, and the practice, of the land. In the very year of Marshall's birth, the High Court ruled in Berea versus Kentucky that it was within the power of any State to outlaw even voluntary integration.

The world of segregation was the world in which Thurgood Marshall grew up. He went to a black college, Lincoln University, and to a black law school, Howard University. But Thurgood Marshall thought segregation was wrong, he knew segregation was wrong, and as attorney for the National Association of Colored People he dedicated his life to bringing about an end to segregation, and to establishing full and complete citizenship and equal justice for all Americans, including black people.

Thurgood Marshall would go on to argue 32 cases before the Supreme Court, winning 29 of them, but it is for one case in particular that he will live forever in the history of our Nation. In 1954 the Supreme Court heard the plea of a young black girl who felt she was entitled to the same education as was provided the white girls and boys in her community. The attorney who argued her case before the Supreme Court was Thurgood Marshall. Mustering impeccable legal reasoning, displaying a scholarly command of research in sociology and psychology, bringing to bear one of the finest legal minds this Nation has ever seen, he convinced the Court that the precedent set in Plessy versus Ferguson was unjust, and that justice required that it be reversed.

"Separate but equal facilities are inherently unequal," the Court decided in the most momentous legal decision of this century, Brown versus Board of Education. Acceding to the magisterial legal authority of Thurgood Marshall, the Justices unanimously ruled that the public schools of America would be integrated "with all deliberate speed."

This black man had won a signal victory for his people, for justice, and for all Americans. Had he done no more, he would have been one of the great historical forces of the 20th century.

But he did more. Having opened the way for black Americans to participate fully and equally in American life, he steadfastly kept on, blazing a trail which would show, as fully as did Martin Luther King or Jackie Robinson or James Baldwin, that black Americans if given the opportunity could perform at the highest levels of human achievement. Thurgood Marshall went on to serve as a Federal judge, and as the Solicitor General of the United States. In 1967 he was appointed to the Supreme Court, that very institution which in the very year of his birth had ruled that he and those of his race could be extended less than full citizenship. Having transformed the possibilities which open up before African-Americans, he marched through the newly opened door to become the first of his race to sit on the bench of the highest Court of the land.

For over 20 years Thurgood Marshall served the cause of justice on the Supreme Court, a ceaseless defender of the rights of minorities, a bastion of civil liberties, an immovable defender of a woman's right to control the processes of her own body, and implacable opponent of the death penalty. Even when political tides turned, and his colleagues on the bench became ever more narrow and conservative, ever less vigilant about the importance of defending our basic rights and liberties, Thurgood Marshall never wavered.

The African-American poet Robert Hayden wrote a poem about a great forebear of Marshall's, one whose lifelong fight for freedom and justice prefigured that of the future attorney and Associate Justice of the Supreme Court. Hayden's words about Frederick Douglass resonate today as a fitting tribute to the life and struggle of Thurgood Marshall as well; though not born a slave, as Douglass was, he was born into segregation, and he made the struggle for freedom and liberty his own as fully as it was Douglass':

When it is finally ours, this freedom, this liberty, this beautiful
and terrible thing, needful to man as air,
usable as earth; when it belongs at last to all,
when it is truly instinct, brain matter, diastole, systole,
reflex action; when it is finally won; when it is more
than the gaudy mumbo jumbo of politicians;
this man, this Douglass, this former slave, this Negro
beaten to his knees, exiled, visioning a world
where none is lonely, none hunted, alien,
this man, superb in love and logic, this man
shall be remembered. Oh, not with statues' rhetoric,
not with legends and poems and wreaths on bronze alone,
but with the lives grown out of his life, the lives
fleshing his dream of the beautiful, needful thing.

Thurgood Marshall was a very great American. He profoundly shaped, always for the better, the world we live in today, so that it offers more opportunities, provides more freedoms, guarantees more rights, than did the America he was born into at the turn of the century. We owe him much, and if we hope to repay that great debt, we must carry on, in his name, the struggle for justice which he waged for all his 84 years.

Mr. HILLIARD. Mr. Speaker, I come here before you today to speak of a man of greatness, a man of great dignity and ability; a man who nurtured and enhanced our perceptions of the Constitution so all its citizens could be gathered under the strong arms of Lady-Liberty's protection.

Thurgood Marshall was a fighter. He fought and won many of the tough-hard fights that for decades, many, in the legal profession, said would never be won, but win he did. Of the 32 cases he argued on behalf of the NAACP, he won 29. Justice Marshall was always tenacious. He, like the Maryland snapping turtle, would never let go. Interestingly enough, a lot of these qualities came from his family. Justice Marshall's great grandfather was captured in Africa and brought, as a slave, to the eastern shore of Maryland. His great grandfather's rebellious nature, wore down his master, and won him his freedom. Justice Marshall liked to joke that the more "polite" among his relatives liked to think that their ancestors came from the more cultured tribes of Sierra Leone; but he said he knew in his heart that the Marshalls came from the toughest part of the Congo.

His father carried on the tradition by telling his son that if anyone ever issued a racial slur

against him that Thurgood not only had his permission, but his orders to fight them * * * and a fighter for racial equality he indeed became.

His first case, after he graduated from Howard Law School, my alma mater, was to compell the University of Maryland Law School to admit their first African-American student in 1935 * * * from that point on the rest is history. He became the leading lawyer for the NAACP and helped lead the assault on the legalized institution of Jim Crow and in fact, helped tear down the ediface which held together the institution of segregation; the infamous Plessy versus Fergeson 1896 case. His eloquence caused the Court to reverse that case in 1954, with the Brown decision.

In honor of Justice Marshall, we must ensure that the majority does not turn its back on Justice Marshall's historical mission of equality and access for all. As Justice Marshall stated in his last writing on the Court: "We must ensure that our established constitutional liberties are not up for reconsideration."

Mr. FISH. Mr. Speaker, I am privileged today to join my colleagues in honoring the memory of "Mr. Civil Rights," the late, former U.S. Supreme Court Justice Thurgood Marshall.

At the time Thurgood Marshall was nominated to serve at the summit of the Nation's judicial structure, he had already achieved national eminence as the No. 1 civil rights lawyer of his time. He served as the special counsel of the NAACP and director counsel of the NAACP legal defense and educational fund, where he was in constant battle against entrenched tradition and archaic laws that validated segregation in America.

Mr. Marshall's rich experience as a civil rights advocate was expanded by his subsequent service as a judge of the U.S. Court of Appeals for the Second Circuit and as U.S. Solicitor General. Few of the distinguished jurists who have ever served as Justices brought to the Court the wide experience and brilliant achievements of the first African-American appointed to the U.S. Supreme Court.

By the time of his appointment, he held an unequaled record of victories in arguments before the Supreme Court. Specifically, Thurgood Marshall won 29 of 32 cases he argued before the Highest Court in the land for the hopeless and the helpless masses of unrepresented and underrepresented American citizens.

This "rock of justice" became widely recognized and respected for his efforts in bringing about the landmark decision in 1954 in Brown versus Board of Education, which rendered "separate but equal education unconstitutional."

However, we are reminded by the Honorable Robert L. Carter, senior judge in the U.S. District Court for the Southern District of New York and a friend and former colleague of Thurgood Marshall at the NAACP, that Mr. Marshall's contribution to civil rights jurisprudence far extended his noteworthy efforts in the area of school desegregation. Judge Carter stated in an opinion-editorial in the wake of his friend's death:

> Although Thurgood is always credited for his efforts in school desegregation, we were involved in cases striking at segregation in inter and intrastate commerce and in housing. Indeed, he was involved in all aspects of discrimination against blacks in the United States. When I joined the staff [1944], Thurgood was taking cases of black servicemen who were being treated in a discriminatory manner by the military; he handled a number of criminal cases. He took on cases of police brutality, and, of course, he followed up on his victory before the Supreme Court in Smith versus Allwright by seeking to secure the rights of blacks to vote in primaries throughout the South. (Washington Post, Jan. 26, 1993, A-17.)

On the Court, Justice Thurgood continued to champion the cause of civil rights and individual rights for all Americans. His greatness as a lawyer and commitment to the highest ideals of the U.S. Constitution shone through an indifferent and sometimes hostile judicial system to engender equal justice under the law.

We are all poorer by his absence from the legal landscape but richer by his living legacy. Mr. Speaker, as we look to the future, remembering his past achievements and recognizing that there are presently too few role models for our youth, we should hope that generations unborn will possess an even greater appreciation of "Mr. Civil Rights."

Mrs. MINK. Mr. Speaker, I rise with a profound sense of history today as I join my colleagues in this special order honoring Justice Thurgood Marshall, one of our greatest Americans.

Justice Marshall's contributions to our understanding of the Constitution, and to our Nation's progress toward the goal of equality of opportunity embodied in our Constitution, are unparalleled. We owe to his memory an enormous debt for his unflagging commitment to individual rights, and for his work to insure that each one of us, regardless of our race, gender, or social standing, enjoy these rights to their fullest in the knowledge that our legal system protects them.

So often when we think of the civil rights movement we remember the names of the people out in front, people like Martin Luther King, Rosa Parks, or Malcolm X. But Thurgood Marshall made the work of those great Americans possible by first breaking down segregation in the courts. For over 20 years, from 1938 to 1960, Marshall ran the NAACP's legal defense and education fund, and for most of this time he traveled the country using the Constitution to force State and Federal courts to protect the rights of black Americans. Throughout this period Marshall emerged as the architect of the legal strategy that formed the foundation of the civil rights movement, and culminated with the unanimous decision in Brown versus the Board of Education, 1954, which clearly and unequivocally put an end to the separate but equal system of racial segregation then in effect in the public schools of 21 States. This case marked the beginning of the end of official segregation in all public institutions throughout the Nation.

Without Justice Marshall, Martin Luther King would have had a far more difficult time grounding the civil rights movement in the Constitution because he would not have a series of Supreme Court decisions backing him up. In fact, King would not have won his first victory, the Montgomery, AL, bus boycott if Marshall's legal team at the NAACP had not first won a Supreme Court ruling outlawing segregation on buses.

Throughout this period Marshall brought the Constitution to America's people, and he helped all of us understand that the foundation of our law is a living breathing document. Marshall wrote that:

> History makes clear that constitutional principles of equality * * * evolve over time; what once was a "natural" and "self-evident" ordering later comes to be seen as an artificial and invidious constraint on human potential and freedom.
>
> Shifting cultural, political and social patterns at times come to make past practices appear inconsistent with fundamental principles upon which American society rests. When this occurs, courts should look to the fact of such change as a source of guidance on evolving principles of equality.

He brought this same perspective and a similar strategy to the Supreme Court. In his early years as a Justice he eschewed broad or contentious statements of principle and instead worked quietly behind the scenes to encourage unanimity among Justices so that their decisions would carry more weight. This strategy of course changed as the Court veered away from the positions taken by the Warren Court and ultimately came to rest under Rehnquist where Marshall found himself as the only voice defending individual rights on a series of important decisions.

Throughout this time he was unwavering in his belief that the sanctity of the law derives directly from the promise of equality, and equal treatment, embodied in our founding documents. Justice Marshall often found himself dissenting from major decisions in the area of criminal law in his efforts to uphold the rights of the individual against preventive detention, illegal searches and surveillance, and improper methods of interrogation—and he fundamentally objected to the death penalty which he argued violates the eighth amendment and wreaks havoc with our entire justice system. Justice Marshall was also steadfast in his defense of women's rights. This, I think, will be a legacy as important as his work to break down segregation, because it reveals the seamless integrity in his thought.

I've heard tales of times when giants walked the Earth before mere mortals graced the land. We were privileged to have witnessed the strides of one such giant, Thurgood Marshall, as he immeasurably cast his large shadow across the land, challenging and correcting the unjust, and reminding us throughout his life that we could aspire to, and achieve equal rights for all. It is my most sincere hope that we do justice to the memory of Thurgood Marshall, and that we never waver from the path that he defined.

Mr. WASHINGTON. Mr. Speaker, I rise today with great respect for the work and inspiration that Justice Thurgood Marshall was, to me personally, and, to many of my fellow civil rights attorneys throughout the Nation. My service to the people of the great State of Texas as a member of the State House of Representatives, the State Senate, and to all people in the United States as a Member of Congress is but an extension of my service inspired by the example of Justice Marshall.

As a child of the south, I appreciate, with every fiber of my being, what Justice Marshall

had to confront while litigating in the pre-Brown south. Simply arguing a civil rights case was an occasion for harassment in many southern communities. The threat of violence was ever present, and law enforcement officials were not reliable sources of protection. In those years, as well as after being appointed to the Supreme Court, Justice Marshall represented the best of the legal profession—a lawyer "living greatly in the law," fighting to expand the rights of people held down by a system every bit as cruel and thorough as South African apartheid.

May we all honor the accomplishments of Justice Marshall by protecting and enlarging the rights of all Americans.

I ask unanimous consent to include in my remarks the statements of my fellow colleagues at the bar, Marcia A. Johnson, Esquire, James M. Douglas, Esquire, and Gerald M. Birnberg, Esquire.

DEJA VU ALL OVER AGAIN: A GLANCE AT PUBLIC SCHOOL DESEGRATION

(By Marcia Johnson, Associate Professor, Thurgood Marshall School of Law)

United States Supreme Court Justice Thurgood Marshall will be remembered for a great number of lifetime achievements. Among the most popular of those achievements is his role in the desegregation of public facilities, particularly public schools. Justice Marshall believed strongly in the integration of the races. Thus, his advocacy in Brown vs. Board of Education was perhaps, as much personal as it was one of legal scholarship. Brown was decided by the U.S. Supreme Court in 1954. Yet almost 40 years after that decision, many American public schools are decidedly segregated by race. What was Brown v. Board of Education? What did it decide; and how close are we to reaching the goal of Brown today?

BROWN VS. BOARD OF EDUCATION

Brown vs. Board of Education actually involved class actions originating in four states. The actions arising in Kansas, South Carolina, Virginia and Delaware were brought by African-American plaintiffs who sought to be admitted into publicly-funded schools on a non-segregated basis.

Kansas

In the Kansas case,the plaintiffs sought to enjoin the enforcement of a Kansas statute which permitted, without mandating, separate schools for African-American and Anglo students. The trial court denied the relief plaintiffs sought after finding that though separate, the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The district court observed, however, that segregation in public education detrimentally affected African-American children.

South Carolina

In the South Carolina case, known as Briggs vs. Elliott, plaintiffs sought to enjoin the enforcement of state laws which required segregation of African-American and Anglo school children in the state's public schools. The trail court found that the schools for African-American children were inferior to the schools for Anglo children. Relying on the Supreme Court decision in Plessy vs. Ferguson the trailcourt ordered the separate facilities to be equalized.

Virginia

Likewise, in Virginia, plaintiffs sought to enjoin the enforcement of mandatory school segregation laws. The Virginia trial court's findings and ruling were almost identical to those of the South Carolina court.

Delaware

In Gebhart vs. Belton, the plaintiffs also sought to enjoin the enforcement of mandatory segregation laws. The Delaware trial court ruled for the plaintiffs, finding that the schools for African-American students were inferior and that segragation itself necessarily results in inferior education for African-American students.

The conflict among the district courts gave rise to the United States Supreme Court's grant of certiorari. The Court was originally heard argument in the 1952 term and reargument in the 1953 term.

THE U.S. SUPREME COURT

After hearing arguments presented, the Supreme Court abolished de jure or legally enforced segregation in public schools. The court found that separate educational facilities are inherently unequal. The court believed that segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprived the children of the minority group of equal educational opportunities. The court found support in its position on modern authority which included a number of treatises on the effect of prejudice and discrimination on African-Americans.

FROM 1954 TO 1993

After the Brown decision, Courts throughout the United States have reviewed a barrage of lawsuits, counter-suits, desegregation orders, and desegregation plans and there has been no dearth of scholarly writings on the issue of school desegregation since Brown. From this litany, two central views on the remedy necessary to ensure equal educational opportunity have stood the test of time; the desegregationist's view and the integrationist's view. The desegregationsits believe that the elimination of laws mandating or permitting segregation is sufficient to comply with the equal protection mandate of the 14th Amendment. The integrationists believe that the vestiges of segregation must be eliminated to meet the requirements of the 14th Amendment, and therefore mandatory integration must be achieved and maintained to comply with the constitution.

Almost 40 years after the Supreme Court's landmark decision, the issue of equal educational opportunity remains a major national controversy. For the most part, public schools remain overwhelmingly segregated by race. Schools are still identifiable by ethnicity, and the quality of education provided in the public schools appears disparate based on race.

Perhaps one of the problems which the school systems, and society in general, have not been able to overcome is the presumption that African-American institutions are inferior to Anglo institutions. This presumption was argued by the Brown plaintiffs and embraced by the U.S. Supreme Court. This presumption itself stigmatizes the African-American because its essence is the belief that only the African-American or minority gains from desegregation and/or integration. This necessarily means that Anglo-Americans have everything to lose and nothing to gain through desegregation/integration. Clearly, Anglo-Americans generally accepted that presumption. Just as clearly, African-Americans did not. During the fourteen years following Brown, many school districts implemented freedom of choice plans to end legally enforced segregation. These plans proved ineffective because Anglo parents kept their children in traditionally Anglo schools and few African-Americans chose to send their children to formerly Anglo schools.

The courts attempted to address America's obvious intent to ignore the Brown mandates by looking at a number of things including residential zoning busing, and perpetual judicial monitoring. None have proved sufficient to meet the ultimate goals of the Brown court, desegregation and integration. In Keyes vs. School District No. 1., the court decided that only purposeful or de jure segregation violated equal protection. In some American communities, geographic zoning is of little value since the entire geographical jurisdiction of the school district may be overwhelmingly one race. Busing, though permitted as a tool of desegregation, is limited to those instances when the travel time students spend does not adversely affect their health or education. Perpetual judicial monitoring was rejected by the Supreme Court in Board of Education vs. Dowell. Writing for the Dowell Court, Chief Justice Rehnquist found that once the school board had shown that it was operating in compliance with the equal protection clause of the 14th Amendment and that it was unlikely to return to its former ways (segregation), overview by the court would end.

Arguably, 1993 takes us back to 1954 in our quest for an effective remedy. It is clear that public schools cannot segregate minority students from majority students by state action. Public schools must take reasonable affirmative measures to ensure desegregated schools exist. However, where desegregation cannot be accomplished by reason of housing patterns or other non state action, then the trend is toward a reemergence of one-race schools.

CONCLUSION

One-race schools contribute to the weakening of America; not because any race of people are inferior but because denial of access to diverse cultures and ethnicities negatively impacts all people. A statement by the Brown trial and supreme courts is as true today as it was in 1954.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. To separate children from others of similar age and qualifications solely because of their race * * * affects their hearts and minds in a way unlikely ever to be undone.

Thurgood Marshall should have been proud of the Law School named in honor of him. Through exercise of choice, without mandate or exclusion, this law school enjoys a model ethnic diversity among its student and faculty population. It provides an example of the realization of one of Justice Thurgood Marshall's goals * * * the true desegregation of the public education facility.

Supreme Court Justice Thurgood Marshall was decidedly a daring scholar on a grand scale. Those who met him were often struck by his imposing presence and take-charge attitude. Firm, resolute, brilliant, Justice Marshall was a champion for the right of people disenfranchised pursuant to legal mandate or restriction. Marshall, an integrationist, believed that in order to achieve justice and equality, all people must be included together, in matters public and private. To this end, he supported the creation and enforcement as well as laws, the purpose of which were to remedy the effects of discrimination. Justice Marshall's positions were often controversial, rooted firmly in judicial fairness for all, and easily serve as a model for America's relationship all its children.

A PERSONAL APPRECIATION FOR JUSTICE THURGOOD MARSHALL

(By James M. Douglas)

As I dressed to go to school, I had no reason to know that this day would be unlike any of my other days. It's not that my days were not always good; but, rather, I would soon find out that this day would not just be great, this day would be excellent. And so, I dressed as normal, ate breakfast, took my short five minute drive from my apartment to the school of law.

On this not so special day, I went as always to check my messages. As I opened the first message and began to read, this not so special day came to be one of the most important days of my life. The message began very simply "Dear Mr. Douglas". It was what followed that made it so special. The message was short and simple, "The Honorable Thurgood Marshall would like to have lunch with you and a few other students following the finals of the Moot Court Competition." It was only a year earlier, that I met my first Supreme Court Justice, my name sake brethren in legal and political view, Judge William O. Douglas. But this would be different. This would be an opportunity to spend some quality time with the only African-American to ascend to one of the nine top judicial positions in this nation, the United States Supreme Court.

The important day arrived much faster than even I expected. It seems that time either races or creeps—when something important is about to happen, and for this event, time seemed to fly. When the important moment arrived, it was well worth the wait. To meet the great Thurgood Marshall is to meet an individual who is bigger than life. As we—I and a few of my fellow students—sat at a table in a small restaurant, in walked this imposing figure. He moved smoothly across the floor and took a seat at our table. All of the conversations that were in progress immediately stopped, and everyone's attention turned to Justice Marshall.

It was easy to understand how this man managed to rise to such a position of power. At once, he made it clear to all of us "want-a-be" future African-American leaders that we would discuss his agenda rather than our own. We wanted to talk about the latest big legal and political issue, "Affirmative Action". Mr. Marshall wanted to talk about our responsibilities as African-Americans who had been given an opportunity to make a contribution to this society of ours. It should be made clear that we talked about our responsibilities.

What Justice Marshall said that day will always stay with me. He said that basically not many African-Americans would be in positions similar to ours; that in this country only a few African-Americans have a chance to rise to the top and that we were among that few. He challenged us to work as hard as humanly possible, to tap all the skills God had given us, and to develop fully all of our talents. He believed we owed that to ourselves, to all African-Americans, and to every other member of the American society.

After almost three hours he rose, said goodbye, and was gone. But his words have always remained with me. Even though I had always believed in excellence, his words gave me even more resolve. Maybe in some way it was that three hour lunch that changed the direction of my life. For only 10 years later I would be rewarded, challenged, or given an opportunity when I was named Dean of the Thurgood Marshall School of Law at Texas Southern University. Mr. Justice Thurgood Marshall, I can only hope that I can meet the challenge you made to me and my fellow students on that Spring day in 1971.

ON THURGOOD MARSHALL

(By Gerald M. Birnberg, Attorney at Law)

By the force of his moral suasion and the keenness of his intellect, Thurgood Marshall brought a reluctant nation kicking and screaming from segregation toward equality, from separation to the promise of a colorblind society, from oppression to opportunity. In the face of defilement, he demanded that the destitute, the downtrodden, and even the despised be treated with dignity. He cherished the Constitution and he insisted that its promise be honored and fulfilled.

Thurgood Marshall reacted to injustice with outrage, to inequality with abhorrence, and to prejudice with a loathing unequaled in this era. His passion for fairness and his craving for right called him to greatness. This is the stuff from which icons are molded, and in Thurgood Marshall they produced one of the truly consequential heroes of our time.

Mr. MAZZOLI. Mr. Speaker, I join my colleagues today in paying tribute to the late Justice Thurgood Marshall, a man who dedicated his life to promoting racial equality and justice for all.

Justice Marshall was born in Baltimore, MD, on July 2, 1908. It did not take long for Justice Marshall to learn the values of hard work and perseverance. Despite being denied admission to an all-white university, he went on to graduate magna cum laude in 1933 from Howard University Law School, where the seed was planted of what would later become Justice Marshall's intense devotion and commitment to the Constitution of the United States.

One of Justice Marshall's most prominent achievements was the landmark case he argued before the Supreme Court in 1954, Brown versus the Board of Education. This watershed case ended the official segregation of the Nation's public schools by establishing that the separate but equal policy violated the 14th amendment of the Constitution.

Justice Thurgood Marshall's life and his career on the Supreme Court were spent encouraging the underdog, inspiring the individual, and promoting better relationships among all races. He sought guidance for his decisions from the life he found around him and sought strength from those he loved and admired.

We salute Justice Thurgood Marshall and perhaps this will inspire people everywhere to emulate the idealism and love which were the characteristics of this beloved Justice.

Mr. CLAY. Mr. Speaker, I rise today to express strong support for House Resolution 170, requesting that the President designate July 2, 1993, as "Thurgood Marshall Day".

History is replete with civil rights victories that are distinctly attributable to the Honorable Justice Thurgood Marshall's unyielding battle to secure justice for all Americans. Therefore, it is only fitting and just that we reserve a day on which to honor this drum major for justice.

Justice Marshall spent his entire adult life fighting segregation because he cherished the principles of the Bill of Rights and felt that it was imperative that the law protect the least powerful among us. He prevailed in his efforts and brought down many walls of segregation, opening the doors of opportunity for disenfranchised Americans.

Justice Marshall argued 32 cases before the U.S. Supreme Court and won 29 of these. His victory in the landmark Supreme Court case Brown versus the Board of Education challenged the separate but equal precedent set forth in Plessy versus Ferguson and made public education accessible for all students, regardless of race. His success in the Supreme Court ruling that outlawed segregation in Montgomery, AL was the genesis of the momentous civil rights movement. In addition to these historic cases, he successfully argued the case of the nine students at Central High School in Little Rock, AR and fought against restrictive covenants in private housing agreements.

Throughout his public service career, Marshall remained indubitably devoted to the highest principles of equality and justice. Even when the Supreme Court took a conservative slant after Reagan and Bush appointments, Marshall stood steadfast in defense of racial equity. In many dissenting opinions, he expressed the belief that it was incumbent upon the Court to protect the rights of those citizens who are least able to protect themselves.

Mr. Speaker, the world will remember Thurgood Marshall as the first black to serve on the U.S. Supreme Court. Those of us who fought alongside him for equal rights will remember him as the foundation and fountainhead of the civil rights movement.

Mr. BECERRA. Mr. Speaker, it is with great appreciation, and yet sadness, that I address this House today in remembrance of Justice Thurgood Marshall.

Justice Marshall is most often cited as the leader of civil rights, particularly the rights of African-Americans. I'd like to think however that the gratitude owed to Justice Marshall goes far beyond the accolades of the African-Americans in this country.

While Justice Marshall did more for the African-American movement than perhaps any other individual, I believe the nickname "Mr. Civil Rights" extends to his role in the women's movement, the rights of children, and the individual rights of all Americans.

Confirmed by the U.S. Senate on August 30, 1967 by a vote of 69 to 11, Thurgood Marshall became the first African-American to serve as a Supreme Court Justice. It was as President Johnson stated "The right thing to do, the right time to do it, the right man, and the right place."

Joining a majority liberal Court, Marshall succeeded at writing several opinions in support of individual's civil rights.

For example, in 1969 in the case of Benton versus Maryland, Marshall argued that the double jeopardy clause of the Constitution applied to not only Federal crimes, but State crimes as well.

Three years later Marshall wrote the majority opinion in Police Department of Chicago versus Mosely. On behalf of the Court, Marshall eloquently stated that all individuals according to the Constitution were free to express themselves regardless of the governments interest in prohibiting particular speech.

Known to be a true civil rights advocate, Marshall continued to fight for the rights of the individual, even when the Court strayed to the conservative end of the political spectrum.

In 1973, Marshall joined the majority opinion of the Court in Roe versus Wade. Like Blackmun, Marshall truly believed that "This right to privacy, * * * is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." Although the Court over the following 20 years slowly eroded that right, Marshall remained a constant advocate of women and their right to not only privacy but equal protection.

That same year, Marshall dissented to one of the most lengthy Court cases in history. While the Supreme Court found that a Texas statute providing for disproportionate funding of education in the State to not be unconstitutional, Justice Marshall vehemently opposed such rationale. Justice Marshall stated, "Here, the children [are] being discriminated against not necessarily because of their personal wealth or the wealth of their families, but because of the taxable property wealth of the residents of the district in which they happen to live." Not only were the States excuses unconstitutional but they were being used to further interdistrict inequality, resulting in discrimination.

On a similar note of discrimination, although one not often viewed as such, Marshall wrote the majority opinion for the Court in Illinois Elections Board versus Socialist Workers Party. Although the State of Illinois believed it was justified in requesting more signatures in order to appear in Chicago elections for new political parties and independent candidates, Marshall wrote, "An election campaign is a means of disseminating ideas as well as attaining political office." The right to be heard prevailed, once again as a result of Justice Marshall's belief in the freedom of speech.

I could stand here for the remainder of the day citing quotations and statements made by Justice Marshall. Rather than do that, I'd like to leave you with the one quote I believe wraps up his life, and what his life means to this country.

"The Constitution was defective from the start * * * 'We the people' no longer enslave, but the credit belongs not to the framers. It belongs to those who refused to acquiesce in outdated notions of 'liberty,' 'justice,' and 'equality,' and who strived to better them * * *. The true miracle was not the birth of the Constitution, but its life."

As a member of a disenfranchised class of individuals, I will always remember those words. And I will always thank Thurgood Marshall for not only saying them, but for being the man who gave meaning to them.

Mr. FAZIO. Mr. Speaker, I join my colleagues in this special order in remembrance of Supreme Court Justice Thurgood Marshall.

Justice Marshall excelled at every step of an illustrious legal career spanning over five decades. During that time, he changed forever society's attitudes about rights for people of color; he persistently enforced the Constitution's protection of freedom and liberty and has been justly described as this century's most important architect of American civil rights.

Today, my colleagues and I try and do justice to this great man and to his achievements. Perhaps his most memorable successes occurred during his 20 years with the NAACP Legal Defense and Educational Fund, which he established. By gaining the right to vote for African-Americans in the South in Smith versus Allwright, through his Supreme Court victory in Brown versus Board of Education, which dismantled racial segregation in public schools, and in his 27 other Supreme Court victories, Thurgood Marshall inspired the civil rights leaders of the sixties.

In 1961, President John F. Kennedy appointed Thurgood Marshall to the U.S. Court of Appeals for the Second Circuit, where he served 4 years. He worked as Solicitor General for 2 years and on June 13, 1967, President Lyndon B. Johnson nominated him to the Supreme Court. Remembered as "the great dissenter," Marshall was quick to check the emerging conservative ideology of the Supreme Court. He was the friend of the disadvantaged, the disenfranchised, and the poor.

As a symbol of gratitude and in recognition of this great man's achievements, Congress has designated a Federal judiciary building in his name. But Thurgood Marshall has left the American people a much more valuable legacy—one of judicial opinion based on the sound principles of law which he helped to establish.

Mr. MINETA. Mr. Speaker, I rise today in tribute to one of the Nation's great jurists, the first African-American to serve on the highest court of the land, and a friend to all minorities, the late retired Supreme Court Justice Thurgood Marshall.

On January 24th, at the age of 84, our esteemed friend passed away. Every day since then, we all have felt a sense of loss because of the role Thurgood Marshall played in protecting and assuring the rights of all Americans. As Chair of the Public Works and Transportation Committee, I am proud that the first legislation passed under my tenure was the designation of the Federal Judiciary Building as the Thurgood Marshall Federal Judiciary Building in our Nation's Capital. It is an equal honor to be part of this body's official tribute to a great American.

As a jurist, Marshall was a relentless voice for minorities, whose legal career was emblematic of the civil rights revolution.

He first came to national prominence as the chief lawyer for the NAACP Legal Defense and Educational Fund, arguing a series of 1954 school desegregation cases known collectively as Brown versus Board of Education. The Supreme Court held in those cases that segregation in public schools was unconstitutional.

In 1967, President Lyndon Johnson appointed Marshall to the Supreme Court, where his record as a jurist was consistent and often courageous. He defended individual rights. He sided with minorities and the underprivileged. He favored affirmative action. He was always opposed to the death penatly. And he was an outspoken advocate for animals. In fact, Marshall was always a consummate humanitarian, with an uncompromising respect for life and all living things.

Finally, I am especially proud to honor Thurgood Marshall as one who has felt the sting of discrimination. As an American of Japanese ancestry, I was one of thousands who were interned by the U.S. Government during the Second World War. If Japanese-Americans 50 years ago had steadfast advocates on the Supreme Court like Thurgood Marshall, then perhaps the tragedies of the internment might not have occurred. Fortunately, because of Americans like Thurgood Marshall those tragedies today are less likely to happen again.

Thurgood Marshall leaves an undying legacy of justice, fairness and compassion. He will forever be a giant among us.

Ms. ROYBAL-ALLARD. Mr. Speaker, honoring Supreme Court Justice Thurgood Marshall today is a very special event for me. This special order, coinciding with the annual Congressional Black Caucus legislative weekend, pays homage to the memory of a brilliant jurist and a pioneer in the struggle for civil rights.

In his early years as chief counsel for the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Marshall was at the forefront of the civil rights movement. His advocacy against segregation and for civil rights earned him an important place in the struggle for human dignity and justice in this century. His Supreme Court victory in Brown versus Board of Education has reverberated through the decades for all minorities in the United States seeking equal access to education.

Marshall's appointment to the Supreme Court in 1967 was a proud moment for America. Justice Marshall continued to advocate for the rights of the individual and the poor against oppression, segregation, discrimination, and capital punishment throughout his long career. His commitment to individual freedom, freedom of the press, privacy, and due process, resulted in numerous important opinions and dissents which stand as documents which will be studied, debated, and followed for generations to come.

Justice Marshall's long and illustrious career is deserving of this special commemoration. He will be sorely missed by all of us who are deeply committed to civil rights, individual freedom, and social justice.

Mr. KANJORSKI. Mr. Speaker, I rise today in tribute to a great leader in American history, Justice Thurgood Marshall, the conscience of the Court.

As a young lawyer for the NAACP, this great-grandson of a slave fought discrimination across our country, winning landmark decisions in the struggle for civil rights. As a Federal judge he was fair to all parties who came before him. As Solicitor General he represented the United States before the highest court in the land. And as a Justice of the Supreme Court he applied our Nation's laws with

iron consistency and full reverence for individual rights under the Constitution. Through it all, Thurgood Marshall never wavered in his commitment to simple justice.

Today I want to recognize Justice Marshall's greatest accomplishment—his contribution to liberty.

Thurgood Marshall developed the legal strategy that broke down the walls of State-sponsored segregation. A man of weaker conscience would have accepted the world as he found it, full of discrimination and hatred. Thurgood Marshall devoted his life to human progress. A man of less judicious mind would have destroyed what is good in our country to root out what was bad. Thurgood Marshall knew the Constitution held promise for all Americans. The Court's decision in Brown v. Board of Education, for which Marshall worked so diligently, helped redeem the pledge we have made to each other.

As a young man fighting discrimination case-by-case, and as a Justice of the Supreme Court interpreting our Nation's highest law, Thurgood Marshall knew that our noblest task calling is to live up to our own standards. For, while we sometimes transgress our own high ideals, we have written our principles into a Constitution we are dedicated to follow. It is because Thurgood Marshall used the Constitution to help us mend the wounds of racism that he will be remembered as a great jurist. It is because Justice Marshall worked so hard that we can imagine a time when our country will draw equally upon the talents of all Americans.

Another great American, Dr. Martin Luther King, Jr., showed us the mountaintop; Justice Thurgood Marshall was our guide. Dr. King used civil disobedience to fight for the dream; Justice Marshall used the law of the land to bring justice to our lives. Both men gave us more than we can ever repay.

In legal philosophy there is a perennial debate, asking if law can be separated from virtue, if legal texts derive their force from moral content. For me the answer is clear: By establishing our Government under the Constitution and the Bill of Rights, by adopting the Civil War amendments and the right of women's suffrage, we have forever committed ourselves to building a moral and decent Nation. Justice Marshall showed us that law has no moral force until we give it the virtue of our ideals. Justice Marshall's gift to the Nation a jurisprudence of respect.

Thurgood Marshall's greatest accomplishment was to help us fulfill our highest aspiration, inscribed in stone above all who enter the Supreme Court: "Equal Justice Under Law."

Mr. MFUME. Mr. Speaker, in a rowhouse on Division Street, on the same street I was born except 43 years earlier, a man was born whose career made it possible for me to stand before you here today. If not for this man, none of my esteemed colleagues on the Congressional Black Caucus would likely be standing here before you today.

The man became one of the greatest lawyers of this century, if not in the history of this country because of one thing—his unswerving commitment to the ideals embodied in the Constitution of the United States, and the idea that they should apply to everyone, black or white, male or female.

No other person has argued so many cases before the Supreme Court, and no other man has won so many of those cases he argued. This man used to take pride in the fact that he was the only sitting justice in his time who had defended a man accused of murder. The man got life imprisonment, which was a victory. In those days, when a black man was accused of killing a white person, a guilty verdict meant the gallows. Life imprisonment was then, a sentence of freedom.

Those were the times that faced Thurgood Marshall. If it can be said that a man can be judged by the enemies he makes, then Thurgood Marshall was surely the greatest of men, because surely no man has ever faced down so many intent upon seeing his defeat, or his death. From hostile judges to the people in the highest chambers of Government praying for his retirement, Justice Marshall took them all in stride and endured, and triumphed.

He will be remembered in the history books as the man who forced the justice system of America to hold true to the real principles of justice, but in the streets and towns of America, in places where African-Americans gather, he will be known as the man who brought them the true trappings of liberty and equality. When they were in trouble, the name would be whispered, "Thurgood is coming," as if that alone would give them solace until the man arrived.

Sometimes people forget what "equality under the law means." No less august than the Justice Felix Frankfurter once asked Marshall what he meant by "equal."

Mr. Marshall was clear: "Equal means getting the same thing at the same time in the same place." It was something Marshall himself did not know during those long train trips and drives from city to city and town to town defending those who had little if nothing except hope.

Once he faced a judge in North Carolina whom he told, "Judge, last night I ate the same exquisite meal you ate, drank the same expensive wine you drank, and was served in the same segregated restaurant you were served in, on the very same night."

The difference, said Mr. Marshall, was that "you had yours in the dining room, and I had mine in the kitchen." This was the only kind of equality the future justice knew, and what he would fight so fervently to extinguish.

Mr. Marshall's greatest victory came in the case that is now part of legend, Brown versus Board of Education. With that case, the words, "separate but equal" were banished from the books of law into the dustbin of history.

Justice Marshall made it possible for us to come oh so far. The roads we travel are wider now and better now, but by no means are they less bumpy or less lengthy. Some of the strides we take have been shortened, and the tolls we pay sometimes are as high as they have ever been. But they would be unsurmountable without the guide we had in Justice Thurgood Marshall.

We know that these remarks will be presented to Justice Marshall's widow, Cecelia, and we thank her for her support and the comfort she gave to a man whose shoes we are not big enough to walk in, although he would exhort us to try.

And when I am asked who was the greatest lawyer of them all, I shall send them to Division Street in Baltimore, where a small silver plaque honors the largest of spirit, where humble brick nurtured the greatest of character. It is the boyhood home of Justice Thurgood Marshall, and no monument we could ever erect in the city of Baltimore would do justice, yes, justice, to the man himself.

Mr. COYNE. Mr. Speaker, I want to take this time to pay tribute to the late Supreme Court Justice Thurgood Marshall.

Justice Marshall will be remembered for all time as a towering figure in the history of our Nation's struggle to provide justice to all Americans. His work as both a litigator and as a jurist has earned him a special place in the hearts of all Americans who share a devotion to making real the words: "Justice for All."

Thurgood Marshall occupies a special place in the annuals of the U.S. Supreme Court as an individual who shaped some of the Court's landmark decisions before becoming an Associate Justice. Marshall helped to change the course of this Nation's legal, political and social landscape by fighting for the cause of racial justice as chief counsel for the National Association for the Advancement of Colored People [NAACP]. His legal advocacy for the rights of African-Americans and his devotion to the idea of integration as a litigator before the U.S. Supreme Court achieved its greatest success when the Court ruled unanimously in the decision Brown versus Board of Education that separate but equal public school systems violated the 14th amendment's guarantee of equal protection under the laws.

Thurgood Marshall's success in arguing this landmark case before the U.S. Supreme Court marked a watershed in the struggle for civil rights in the United States. Brown versus Board of Education sent a signal to African-Americans across this country that the legal system of the United States was finally ready to rule against the system of Jim Crow segregationist laws. This 1954 decision provided a legal foundation for the civil rights movement of the 1950's and the 1960's.

Thurgood Marshall was appointed to the U.S. Court of Appeals for the Second Circuit in 1961 by President John F. Kennedy, where he wrote many opinions defending the rights of Americans under the Constitution and the Bill of Rights. Although he had gained a lifetime tenure as a Federal judge, Thurgood Marshall gave up this seat on the court of appeals when President Lyndon B. Johnson nominated him to serve as U.S. Solicitor General. In his role as attorney for the Federal Government, Thurgood Marshall handled the appeal of cases brought before the U.S. Supreme Court in response to the Voting Rights Act of 1965. As Solicitor General, Thurgood Marshall succeeded in keeping intact the legal tool which would be used to open up the American political process to full participation.

When Thurgood Marshall was appointed by President Johnson to serve as an Associate Justice on the U.S. Supreme Court, a defining moment in the history of the Court and of our Nation took place. Thurgood Marshall became the first African-American to ever hold a seat on our Nation's highest court. It is important to note as well the symbolism of that moment when Thurgood Marshall, the grandson of a Union soldier, was sworn into office to occupy the seat held by Associate Justice Tom Clark,

who was the grandson of a Confederate soldier.

As a Justice in the Warren Court, Thurgood Marshall worked to strengthen the Court's opinions by pushing for the largest majority votes possible on a number of important decisions. During this time, Marshall often was a quiet voice pushing for unanimity in support of Warren Court decisions that advanced the cause of individual rights. Still, as the Court became increasingly conservative under Chief Justice Burger and currently Chief Justice Rehnquist, Justice Marshall spoke out defiantly and passionately on behalf of the rights of women, minorities, and the disadvantaged. He followed the tradition of great dissenters on the Court by writing opinions that may yet provide a basis for reconsidering the narrow majorities of recent decisions affecting the rights of Americans and the proper powers of a constitutional government.

Thurgood Marshall's life has shaped the course of American legal development and has inspired millions of Americans who have looked to the courts of the United States for protection against injustice. His efforts as a civil rights attorney helped to break down the barricades of de jure segregation and his work as an Asociate Justice served to advance further the cause of freedom for all Americans. His legacy as a dissenter in many recent Supreme Court cases may still serve to shape the direction of future rulings by our Nation's highest court. Justice Marshall has earned his place in the hearts of Americans and in the history of our Nation's struggle to promote the cause of "Justice for All."

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to a giant of the legal profession, a profound leader of the African-American Community, a model citizen and statesman of the United States, and a great Justice of the U.S. Supreme Court, Justice Thurgood Marshall.

Many have already spoken of the historic legal efforts undertaken by Justice Marshall during his career prior to his appointment to the bench. I do not intend to provide the biography of this great man, but I do want to acknowledge that his work in cases such as Brown versus Board of Education was both brilliant and of critical importance to advancing civil rights for all Americans, and especially for the African-American community and other dispossessed communities.

The legacy that he leaves through his work as an advocate on behalf of equality and social justice provides one of the few points of redemption and hope in these troubled times. Like the North Star that guided fleeing slaves, his legal victories continue to shine in the firmament as a guide to that place to which our Nation must someday arrive in order to achieve its full moral purpose.

As a Judge and Justice of the U.S. Supreme Court, Thurgood Marshall never forgot that the "Law in its majesty forbids both the rich and the poor from sleeping under bridges and on park benches." He knew that something more than cold analysis and the application of economic principles to those before him was called for as a Justice of the Court. He took most seriously the justice part of his job; and his legal analysis was always impeccable and of the highest order. As a result, his opinions shine with clarity of moral purpose and sterling analysis.

His stunning voice, his commanding intellect and his sterling conscience fix him firmly as one of the greatest justices ever to sit on that august bench. He and his service are a fitting tribute to the extraordinary abilities within the African-American community, abilities which are too often stifled by the type of discrimination that Justice Marshall dedicated his life to defeating.

Now that he has left us and as we memorialize his achievement, let us do what he would have us to do: Let us rededicate ourselves to achieve finally the goals to which he devoted his lifetime—equality, civil rights, a respect for the constitution, and an end to discrimination based on race, sex or any other status.

Ms. VELAZQUEZ. Mr. Speaker, I rise today to join my colleagues in honoring one of history's greatest civil rights figures, a man whose relentless pursuit for equality has touched every American, the late Supreme Court Justice Thurgood Marshall.

For more than half a century, Thurgood Marshall fought to uphold the individual's constitutionally protected rights by opposing racial discrimination, capital punishment, and violation of first amendment freedoms.

He began this quest as chief counsel for the National Association for the Advancement of Colored People Legal Defense and Educational Fund. Of the 32 cases Marshall argued before the Court, he won an astounding 29. Marshall's most important victory, however, came in 1954, when the Supreme Court ruled unanimously in Brown versus Board of Education to overturn the "separate but equal" doctrine. This decision vaulted Thurgood Marshall to the forefront of the civil rights battle and, in 1967, to the Supreme Court.

During his years as a lawyer and a judge, he overcame a myriad of racial injustices and survived physical danger and personal insults. Most people would have backed away from the wall which faced Thurgood Marshall. A few might have attempted to climb it. Instead, Justice Marshall chose to break through the wall using the law as his hammer.

He showed us that the law could be used as a tool of freedom rather than an instrument of oppression. He taught us that the possibility of change by law was a reality and that justice could be achieved without violence for violence's sake.

As a Latino woman, I hold the utmost respect for Thurgood Marshall's struggle to defend individual and civil rights. A struggle which, in his memory, we must all continue to fight.

Mrs. CLAYTON. Mr. Speaker, it is a monumental honor to pay tribute to the life of such an extraordinary man, Thurgood Marshall. This day we celebrate this man and his contributions.

It was the Founders of the oldest living Constitution who defined African-Americans as only ⅗ a person. But it was Thurgood Marshall who used this same Constitution to successfully transform the legal position of African-Americans from constitutional disfranchisement to deliverance.

Without Marshall's legal arguing which prompted the Supreme Court ruling outlawing segregation on buses, Martin Luther King, Jr., would not have won his first victory.

Without Marshall's most noteworthy legal representation which prompted the Supreme Court ruling outlawing segregation in public schools, African-Americans would not have been admitted to law schools like the University of Maryland.

It was men like Thurgood Marshall who helped African-Americans define themselves as significant in a political arena which had previously ignored their plight. It was also this same man who affirmed his commitment to protecting not only African-Americans but all individuals from discrimination and the encroachment of the State upon first amendment freedoms.

Many women's rights activists praise his contention that the right of privacy legitimizes the prohibition of States from infringing upon a woman's freedom to have a safe, legal, and affordable abortion.

Many white victims of job bias also praised the Supreme Court's decision giving them the same rights as African-Americans to sue under Federal law.

At the dedication of a bronze statue in his honor in Baltimore on May 16, 1980, Marshall said: "Some Negroes feel we have arrived. Others feel there is nothing more to do. I won't have it that way. There's too much work to be done."

There is still much work to be done. We have won many battles in the quest to end discrimination and first amendment violations. But the war is not yet won.

I challenge us all to honor this great man through celebrating Thurgood Marshall's philosophy about equality through everyday application.

Mr. WATT. Mr. Speaker, Mrs. Marshall and family, I rise today to pay tribute to Justice Thurgood Marshall and to his memory. As I stand here in the well of this Chamber, I am often humbled. Humbled by the distinct responsibility and unique opportunity to serve my country as an elected representative of the people of the State of North Carolina. And humbled by those whose efforts made it possible for me to be here today. Thurgood Marshall was one of those people and one man whose life's work makes me especially humble in this regard.

Thurgood Marshall was a trailblazer in the efforts of Americans, both black and white, to create a truly equal society. As a brilliant litigator and unsurpassed jurist, he led the American people down an uncharted path which ultimately led this country to desegregate its schools, address discrimination openly, and send black representatives to Congress in numbers not seen since Reconstruction.

Spurred on by his superior abilities to recognize discrimination and clearly define injustice, Marshall fought tirelessly for what would seem the simple goal of equality. "Equal," he argued en route to his landmark triumph in Brown versus Board of Education, "means getting the same thing, at the same time, and in the same place." His clear vision and his unique ability to enunciate that vision as forcefully as needed tapped into the American conscience and gave hope to blacks and to whites, to the downtrodden, to those who society would try to forget.

If his moral indignation at discrimination was his compass on the path toward equality, his

guidebook was the law. As a lawyer and now a legislator, I am particularly overwhelmed by Justice Marshall's ability to use the law to advance the cause of equality, especially for black Americans. In 1987, he wrote: "What is striking is the role legal principles have played throughout America's history in determining the condition of Negroes. They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and, finally, they have begun to win equality by law. Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue."

President Johnson recognized Marshall's unique and historic ability with the law when he remarked at Judge Marshall's swearing in as Solicitor General of the United States in 1965, "Thurgood Marshall symbolizes what is best about our American society: the belief that human rights must be satisfied through the orderly processes of law." Never before had anyone, black or white, been so successful in commanding our legal system toward ends so central to the promises America had been founded upon.

Marshall's deep and intimate understanding of American law is best illustrated by his interpretation of the Constitution. He told us, "I do not believe that the meaning of the Constitution was forever 'fixed' at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the framers particularly profound." For Marshall, as it must be for all black Americans and for all Americans who truly believe in our system of law, the Constitution is a living document, refined to guarantee equality. Only through its refinement and the constant struggle against discrimination, inequity, and injustice are its promises made whole.

Marshall reminded all the world that the Founding Fathers had deliberately left out African-Americans in their new Nation, creating a mountain of obstacles to be overcome before all people could truly be recognized as having been created equal. "'We the People' no longer enslave," he chided Americans in the Constitution's bicentennial year, "but the credit does not belong to the framers. It belongs to those who refused to acquiesce in outdated notions of 'liberty', 'justice', and 'equality', and who strived to better them." Thurgood Marshall led us, using the law, to strive for these lofty ideals in our time, every place and continuously in our communities, in our States and even in this very Congress to strive for the best we can achieve for our Nation and for equality.

It is ironic that a man who asked only to be remembered as one who "did the best he could with what he had" should have conquered odds so great and accomplished so much for so many. As a public figure of great vision, as a patriot of unwavering commitment, and as a leader of selfless devotion, his legacy is our inheritance. It is a precious gift.

I was not fortunate enough to study and work at Thurgood Marshall's feet when I worked at the NAACP LDF. He had already passed the torch to new leadership at the LDF. But I have been touched by this giant of a man through the tremendous impact he had on my former law partner and mentor, Julius Chambers. Julius taught me the lessons he learned from Thurgood Marshall—integrity, humility, tenacity, and devotion to justice.

My task is to carry on down the trail that Thurgood Marshall blazed. "You either work to improve society, or you become a parasite on it," he said. In my humble attempt to do that work, I miss the able guidance Thurgood Marshall provided. And while there is a light way down at the end of the path Thurgood Marshall led us on, it glares bright without his great frame to shadow and guide us.

Mr. LAFALCE. Mr. Speaker, it has often been said that Thurgood Marshall served as a role model for African-American youth throughout the United States. Much as I am in agreement with this sentiment, I feel it understates the impact he had on all Americans. Individuals from all ages, races, and economic backgrounds can learn a great deal from the life of Thurgood Marshall.

As a young civil rights attorney, Thurgood Marshall dedicated himself to battling the same discriminating system that plagued his everyday life. He always saw his role as an advocate for the people. Although he was faced with many obstacles, nothing could hinder this efforts toward ending segregation in the South.

As a lawyer of the NAACP, he risked his life daily, traveling across the racially volatile South, fighting to end discrimination in areas such as housing, education, voting, and public accommodation. Moreover, his campaign against discrimination was not limited to the United States. In 1951 he traveled to the Far East to protect the rights of African-Americans serving in Korea. Marshall was always willing to forgo personal comforts and financial rewards in order to protect the rights of the unprotected. He was a man who was willing to sacrifice everything for the causes in which he believed.

Thurgood Marshall's accomplishments as a Supreme Court Justice were substantial. Although he will be best remembered as an advocate for civil rights, Mr. Marshall was equally accomplished in all facets of the law. In the area of criminal law, he consistently supported efforts to uphold the rights of the individual against preventive detention, illegal searches and surveillance, as well as improper methods of interrogation. In United States versus Augers (1976), Mr. Marshall, in dissent, argued to protect the elements of fairness in a criminal trial by advocating the use of all evidence, whether it proves innocence or guilt, in the proceedings. He stated that "available evidence tending to show innocence, as well as that tending to show guilt, must be fully aired before the jury."

His voice was independent and he often courageously dissented from prevailing opinion. He saw the role of the Supreme Court as a body that should be a fortress against public pressure while, "enforcing the Constitution for the benefit of the poor and the powerless." Mr. Marshall, along with his colleagues, was able to fulfill these expectations to a remarkable extent.

When asked to summarize the legacy he was leaving behind after retiring from the Supreme Court, Thurgood Marshall stated, "That's up to the people." In my opinion there should be no difficulty evaluating his contribution. He will go down in history as the foremost civil rights attorney of this century. He will be remembered as a man who dedicated his life to the betterment of mankind. He will forever be a model to those who believe in utilizing the legal system to create positive social change. And he will be revered by all Americans as a patriot who elevated the level of our entire society and helped create equity for all the citizens of this great Nation.

Mr. DE LUGO. Mr. Speaker, only rarely in a generation are we blessed with the presence of a man or woman whose works are so significant that they change the lives of the citizens of an entire nation.

Thurgood Marshall was such a man:

A man of extraordinary intellect;

A man of legal scholarship;

A man of genuine bravery;

Thurgood Marshall propelled our Nation toward equality for all Americans, winning victories in courtrooms across the land and in the Nation's highest court.

With extraordinary legal acumen and tremendous force of conviction, Thurgood Marshall commanded one of the most concerted and successful struggles in our history to achieve justice, dignity, and honor for all.

Born in Baltimore of modest means, Thurgood Marshall knew full well the importance of education, both for himself, and for all African-Americans in their battle against racism and segregation.

Graduating from Howard University Law School, Thurgood Marshall became legal counsel to the Baltimore chapter of the NAACP. One of his first duties was to compel the all-white University of Maryland Law School that had rejected him to admit its first black student in 1935.

In private practice he specialized in civil rights and criminal cases, often representing clients who were unable to afford a lawyer.

In 1939, he helped found the NAACP Legal Defense and Education Fund where he led an all-out battle against segregation.

Traveling throughout the South, he gathered a cadre of lawyers to challenge segregationist laws and often argued cases on appeal before the Supreme Court, winning 29 of 32 of them.

His most famous case, Brown versus Board of Education, was responsible for crushing the doctrine of "separate but equal" that had deprived black Americans of equal protection and due process under the law.

In the years that followed, with the NAACP, as President Kennedy's appointee to the Second Circuit Court, and as Solicitor General in the Justice Department, Thurgood Marshall defended the rights of victims of discrimination in voting rights, housing, public accommodations, and the military.

In 1967, Thurgood Marshall was nominated by President Johnson as the first black Associate Justice of the Supreme Court. Eminently qualified, for the next 25 years he never faltered in his commitment to fairness and equality for all Americans under the law.

In later years, as the Court became increasingly conservative, he was credited with using his keen debating skills to convince his fellow justices to "do what was right." He often wrote dissenting opinions and publicly denounced the conservatism of the Court.

Mr. Speaker, when the history of our times is written, when deeds of the heros and villains are recorded, Thurgood Marshall will

stand tall among the very greatest Americans of this era.

Thurgood Marshall changed the course of history, changed the lives of millions of Americans and, using our legal system as his weapon, vanquished segregation and injustice that had plagued this Nation for 200 years.

Mr. SCHIFF. Mr. Speaker, I rise today to recognize and to honor the memory of an outstanding citizen of these United States—the late Honorable Supreme Court Justice Thurgood Marshall.

Justice Marshall's life was marked by his great advocacy of civil rights. Once banned from attending the University of Maryland because of his race, he worked diligently to make sure others would not suffer the same segregation.

Although he worked for many causes, he will be most remembered for his work in the 1954 case of Brown versus the Board of Education. It was this case that many Americans see as the most important door that Mr. Marshall opened to let all races into American life.

Justice Marshall championed the causes of many of our Nation's minorities and worked to ensure that the rights of all—African-Americans, Hispanics, native Americans, the poor and underprivileged, were properly protected by the U.S. Constitution.

I am proud to pay tribute to such an American, and I know that Supreme Court Justice Thurgood Marshall will be remembered well in history.

Mr. CLYBURN. Mr. Speaker, Justice Thurgood Marshall was a man who, for many years, took us on a journey of courage into every sector of this Nation.

One of the stopoffs in his journey was a small, rural school district in South Carolina. It was a place where the separate and unequal public education system had reached an intolerable level. Justice Marshall, then an attorney for the NAACP, came to Scotts Branch School in Clarendon County in 1950. His courage ignited a flame in people such as the Reverend J.A. Delaine and Henry Briggs and attorney Harold Boulware and 100 other families who risked their safety and security to join Thurgood Marshall in resisting the system.

The South Carolina lawsuit was named Briggs versus Elliot and it was joined with the Topeka, KS case, Brown versus Board of Education and others to become a landmark Supreme Court case. We all know the outcome of the 1954 decision, and we know the enormous impact it has had on virtually every aspect of American life.

I join you today with great joy in recognizing what the life and accomplishments of Thurgood Marshall have meant to all of us. I'm not certain that I—and many of my colleagues—would even be here today were it not for him.

It's particularly fitting that his name be linked to the values of a lawful society in America. He once said, "Lawlessness is lawlessness. Anarchy is anarchy. Neither race nor color nor frustration is an excuse for either lawlessness or anarchy." This tribute and others to come will help to carry out his beliefs. It is for us here today in many ways to carry out the dreams and wishes of people such as Thurgood Marshall.

Clarendon County is in South Carolina's Sixth Congressional District, the district I am proud to represent in this House of Representatives. Scotts Branch School is still in operation, and still—for the most part—segregated. The surrounding countryside is still in an area of economic hardship.

The lives and the community touched by Thurgood Marshall four decades ago in this small South Carolina setting are still in need of our serious attention. The hope he gave us must not be extinguished. The descendants of those people whom he joined in a journey of courage must realize that the journey is still underway. They must know that there are those willing and able to continue the journey and to take up the challenge Thurgood Marshall has left to us. We are doing his memory and work a great honor in this special order, and I thank you.

Mr. GONZALEZ. Mr. Speaker, I rise today to express my profound admiration for the late Thurgood Marshall, a man of extraordinary insight into the human condition and the need for justice in this world. We are forever indebted to him for his tireless work on behalf of the principles of justice set forth in the U.S. Constitution, and we can be grateful that his legacy is one that will endure through his legal opinions. As our memories fade in the coming years, Thurgood Marshall's writing will continue to call our attention to his purity of thought and vision in applying the Constitution to create justice in our Nation.

While so many today call for ever more stringent law and order, they forget what I believe is the basis for many of Marshall's legal opinions; that is, that before we can have law and order, we must have law and justice. He understood that unless we are a nation of laws and constitutions, there will be justice for no one. A champion of the Constitution is a champion for all, and while some may have wanted to view Justice Marshall narrowly as a representative of blacks or the downtrodden, in fact his life's work was on behalf of everyone. To protect the constitutional rights of one is to ensure the protection of everyone's basic rights.

There is no greater evidence of the strength of Justice Marshall's convictions regarding law and justice than in his legal opinions on the death penalty. Time and again he emphasized the injustices inherent in the death penalty. He, better than anyone else, as the one who argued and won for the Nation the Brown versus Board of Education case which established that separate educational facilities are inherently unequal, knew that other aspects of life are inherently unequal and therefore unconstitutional—such as the death penalty. There can be no equality where there continues to be unequal justice, and our judicial system, our economic system, and indeed many of institutional systems continue to be unequal. Without equality of justice, there can be no law and order. As we in Congress debate so-called anti-crime legislation, through which the majority has repeatedly sought to curtail habeas corpus and expand application of the death penalty, we would do well to pause and consider whether justice will be enhanced. I think not, and as Justice Marshall opposed the death penalty I too will continue my lifelong pursuit of justice through abolition of capital punishment.

Upon his retirement, and upon being asked whether a black should be named to replace him on the Court, Justice Marshall replied that his father had told him there are black snakes and white snakes—and they both bite. I might add that there are brown snakes, too—and they bite, as well. Justice Marshall clearly saw that whether it be in terms of discrimination or privilege, whether it regard a denial of rights or an appointment to the Supreme Court, it matters not—and should matter not—what the color of the skin is. To discriminate for based on skin color is as wrong as discriminating against based on skin color.

I enjoyed Justice Marshall's humor and I learned from his wisdom. He is sorely missed, but he will be greatly remembered. And he will be remembered as great.

ORDER OF BUSINESS

Mr. OWENS. Mr. Speaker, I ask unanimous consent to yield my 60-minute special order to the gentlewoman from the District of Columbia [Ms. NORTON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO THE LATE JUSTICE THURGOOD MARSHALL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 60 minutes.

Ms. NORTON. Mr. Speaker, Elaine Jones asked whether lawyers were as important as they once were, and while the panel answered in different ways, essentially the answer, I think, is "no," because Mr. Justice Thurgood Marshall has made lawyers less important, because one of the few revolutions in American history has been accomplished.

I am not here to declare that black people are free and equal, but I am here to declare that the revolution of equal protection under law has been accomplished. What remains is to make sure that those laws are applied as he has etched them out and left them in precedents.

Mr. Speaker, I would like to end by quoting from a piece I recently wrote in the New England Law Journal, a piece in which I tried to look at the major problems facing black people. I said:

> As a child growing up in the segregated schools of Washington, it seems to me that black people were on the offense, while whites were in a constant posture of defense, despite the great power they had. From the time of Brown versus Board of Education and before, I felt a part of the strategy of offense of my community.
>
> I felt it even in segregated classrooms. I felt it when I was a student in the sit-in movement. I felt it in the marches and demonstrations I joined. I felt it in court cases that I thought would be difficult to win. I felt it when I was Chair of the Equal Employment Opportunity Commission. I felt it during my entire adolescence, and during most of my adult life, until 1980.

In this piece, I recounted the problems that African-Americans came up against in the period of reaction of the

1980's. Later on in the piece I looked to the work of Thurgood Marshall, and said:

The Houston group and the NAACP, led by Thurgood Marshall, developed a masterful strategy of offense. The paradigm of this strategy was *Brown*. The cases leading to it and the movement that followed, the NAACP lawyers and the Houston group of legal scholars, moved incrementally, systematically, and willfully to demonstrate that the inferior public schools of the South were in violation of the Supreme Court's "separate but equal" mandate until their skillful offense destroyed the doctrine itself.

The point of this piece, Mr. Speaker, was to indicate that while much work remains to be done through the courts, we have to build upon the legacy of Thurgood Marshall. We simply cannot ask the lawyers to do it all.

Now the problems of black people are diffuse; legal, yes, but legal, social, and economic. With the great victories led by Thurgood Marshall, surely, surely we have the inspiration, the energy, the determination, and the will to move forward to more diffuse and more difficult problems.

Mr. Speaker, I yield to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, it is an honor to be part of this very special order in honor of Supreme Court Justice Thurgood Marshall, and I am humbled by the opportunity to say these very few words.

Mr. Speaker, I want to bear witness to the fact that the beneficiaries of the work of this giant of American history were not limited to African-Americans and not even just to Americans on the mainland of the United States, but indeed, to people like myself who represent small groups of people a world away who seek inclusion, who struggle for participation, and who seek fulfillment for their natural and God-given rights.

□ 1540

As a brilliant lawyer and constitutional scholar, Thurgood Marshall's unselfish and dedicated work for the NAACP produced Supreme Court decisions which not only altered the course of race relations in this county but also changed the legal framework for all of us and forever improved the social dynamics through which all of this country's diverse peoples relate to each other.

And these changes inspired those of us for whom participation in the Nation's affairs, like those of us on Guam, remains elusive even to this day. We too benefited from his work.

In his 24 years on the Supreme Court, Justice Marshall never forgot from whence he came. His presence on the Court signaled hope and justice for minorities, the indigent, and other downtrodden and forgotten members of this society.

May his rich and significant legacy serve as a constant reminder to his colleagues that the Supreme Court's authority and legitimacy can only be preserved by protecting the powerless. May his rich and significant legacy serve as a reminder to all Americans that, while much has already been accomplished, there is much yet to be done as we seek to perfect and improve the state of human justice in this country.

And for those of us who have benefited from the genius of Thurgood Marshall, we have much to be grateful. And we shall not forget. And we shall remain inspired. And we shall go on.

Ms. NORTON. Mr. Speaker, I ask unanimous consent to yield the balance of the 60 minutes, for purposes of controlling the time, to the gentleman from New York [Mr. OWENS].

The SPEAKER pro tempore (Mr. FARR). Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Mr. OWENS. Mr. Speaker, I congratulate the gentleman from New York for this special order to pay tribute to Justice Thurgood Marshall. I would like to associate my remarks with those of my colleagues who have gone before. They have given the facts, the chronologies, the remembrances that are the building blocks of a legend, and indeed, Thurgood Marshall deserves the status of a legend. I would not like to repeat what they have said, but instead I would like to pay tribute to the special quality which Justice Thurgood Marshall shared with many of his fellow civil rights lawyers and freedom fighters of the time.

They were a generation of great risk takers. They were willing to take great risks, and they were willing to make enormous sacrifices. As we strive to lead our youth into a fuller understanding of the greatness of Thurgood Marshall and the implications of his work, we should not fail to emphasize the fact that Thurgood Marshall was not always a Supreme Court justice. Thurgood Marshall was not always a solicitor general.

In the days before Thurgood Marshall had a staff and the support and protection of a U.S. Government, Thurgood Marshall had to piece his cases together with scraps. Thurgood Marshall was a part of a movement that had very few resources. Not only was Thurgood Marshall called upon to give his expertise and his great training and his abilities, but he often had to also pitch in and help with the financing and whatever else had to be done. He was a part of a group that had to carry the overhead and the infrastructure on their backs, pay the light bills, and pay their own transportation. It was a part of a movement that was very much a grassroots movement. The NAACP's funds were collected in churches through collections. Pennies and nickels and dimes made up that budget, however small it was. But it was always, always much too small.

Not only did they have to make these sacrifices, but he had to take great physical risks. Thurgood Marshall and his colleagues had to take great physical risks. Their lives were often in danger, as we have heard from previous speakers. They jeopardized their lives in making those trips into the South to argue cases, and there were many close calls. Never before have so few been called upon to give so much in order to sustain a movement, but they did it.

This is a vital detail which is very important to me. This is a very vital detail of the heritage and the legacy of Thurgood Marshall and those who fought with him, risk taking and sacrifice. That opportunity comes to every generation. There will be other kinds of risk taking and other kinds of sacrifices that the present generation will have to make. That may seem strange, I am sure from the eyes of those who worked with Thurgood Marshall, and the fact that there are almost 10,000 elected officials, black elected officials in the Nation who have the budgets of the governmental units that they serve to help them to do their work. They have staffs, or Members of Congress have staffs and travel budgets. When they are invited by other organizations to come and speak, they usually offer accommodations and the travel budget. We live in a different kind of world. We do not have to make the same kinds of sacrifices. But indeed, the opportunities will always be there, the challenge will always be there to make other kinds of sacrifices, to take other kinds of risks.

As we face those challenges, we should lean on and gain sustenance from the examples of Thurgood Marshall and his colleagues. We must always do more to hold up the bright light of Thurgood Marshall and interpret the full meaning of this light to our children. Let him not be generalized too much. Let it not be that great man who sat on the Supreme Court. Let them fully understand who that great man was and what it took to get to the Supreme Court. Let them fully understand what the decisions in the court, case after case, meant in the building of the step up to the point where we now have a voting rights law and we can enjoy the representation of 39 Members of Congress.

It did not happen by magic. It did not happen by miracles. It happened because there were those like Thurgood Marshall who were willing to work it through, detail by detail, to make whatever sacrifice had to be made, to take whatever risks had to be taken. They were there, and that made all of the difference. The heritage of risk taking, and the heritage of sacrifice must be continually and intensely promoted. Our children must be made to understand the heritage of risk taking

and the heritage of sacrifice. If they do not understand they will fall prey to less noble and more destructive patterns of thinking. We cannot leave a vacuum, for their is a new generation among us. There are those among us in large numbers who are well trained and who have gone to some of the best law schools in the Nation as a result of the efforts of Thurgood Marshall, and they are opportunistic, and they are selfish. They are to be feared, they are threatening to poison the minds of our youth. We must make certain that always before our youth, before the generation behind us there are the examples clearly understood of Thurgood Marshall and his colleagues.

Those who have enjoyed the fruits of their labor do not necessarily fully appreciate it. Not all of those who enjoy the fruits of their labor fully appreciate it. There are those who would turn back the clock on the work of Thurgood Marshall, those who have actually benefited from it. Let those who would dare spit on their heritage, spit on the benefits that they enjoy, let then understand that we will strive at all times to keep alive the full legacy of Thurgood Marshall. We will strive at all times to make the new generations behind us understand that he was a man who took great risks, and made great sacrifices in order for us to be able to be where we are.

Thurgood Marshall's legacy cannot be dealt with in a special order. There should be many, many books written, there should be many essays written, analyses made, poems written, fully 100 percent. We should strive to have everybody understand what Thurgood Marshall really meant. This special order today is just one small token in that direction.

Mr. Speaker, I ask unanimous consent to yield the remainder of this 60-minute special order to the gentleman from California [Mr. DIXON] and that he might control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1550

Mr. DIXON. I thank the gentleman for yielding to me.

Mr. Speaker, as the Congressional Black Caucus begins its 23d annual legislative weekend, I join my colleagues in rising to honor the outstanding contributions and dedicated service of former Supreme Court Justice Thurgood Marshall. This year's legislative weekend theme is "Generations: Celebrating the Legacy of African-American Leadership." And so today it is certainly with respect and pride that we are celebrating the legacy of this Nation's greatest Supreme Court Justice, Justice Thurgood Marshall.

Justice Marshall will be remembered forever as America's leading crusader in the fight for equality and justice. He vigorously served as a true pillar of the civil rights movement. As the chief architect of the legal strategy which questioned and subsequently put an end to officially sanctioned segregation in the United States, Justice Marshall's legacy is destined to influence the lives of many for years to come.

A celebration of the legacy of African-American leadership would not be complete without the observance and acknowledgement of the profound contributions and achievements of this truly distinguished leader.

Hindered by numerous obstacles, countless confrontations, and seemingly insurmountable challenges, Justice Marshall always seemed to rise to the occasion. He was forced to valiantly display his cunning ability to persevere in spite of all odds and forces working against him early on in life.

After completing high school, Justice Marshall went on to attend Lincoln University in Pennsylvania in 1925, and upon graduation, applied to the State law school in Baltimore. However, because of the segregated time in which he grew up, Thurgood Marshall was not admitted because of the color of his skin.

As a result, he registered at Howard University Law School, whereupon he graduated at the top of his class in 1933 and began a solo law practice in Baltimore during the depths of the Depression.

With an undying passion in his heart for justice and equality for all, Justice Marshall was selected as general counsel to the NAACP Legal Defense Fund in 1936, where for 25 years, he traveled throughout the Nation representing the interests of black citizens who were systematically denied their constitutional rights provided in the Constitution itself.

Thurgood Marshall made it his life ambition to eliminate all forms of racial discrimination. He fought hard to protect individual and minority rights.

One of Marshall's most important victories occurred in 1954, when he successfully argued before the Supreme Court the school desegregation case Brown v. Board of Education. The Court ruled that separate educational facilities are inherently unequal. Justice Marshall also valiantly represented the black students who sought to gain entry to Central High School in Little Rock, AR.

He also fought to protect the civil rights of many of the students who staged lunch counter sit-ins and integrated the southern bus lines in freedom rides.

Justice Marshall's fervent dedication to, and belief in, the Constitution of the United States gained the attention of more than just a few.

Then President John F. Kennedy appointed him to the U.S. Second Circuit Court of Appeals in New York in 1961. Four years later, former President Lyndon B. Johnson nominated him for the position of U.S. Solicitor General.

And on June 13, 1967, Thurgood Marshall was catapulted to greater prominence by being nominated by President Johnson to be the first black to serve on the Supreme Court.

Through Thurgood Marshall's professional career, he sought to enhance and secure equality in the personal lives of all Americans. His legacy is one for all to recognize and acknowledge. Marshall so aptly used our constitutional traditions to revive our democratic traditions.

Mr. Speaker, it is today that we take great pride in rising to celebrate the contributions of the late Supreme Court Justice Thurgood Marshall.

I would also like to acknowledge and welcome Justice Marshall's widow, Cecelia Marshall, as well as other members of the Marshall family. I join the Congressional Black Caucus in celebrating the legacy of this prominent African-American leader.

Mr. Speaker, I ask unanimous consent to relinquish the balance of my time to my distinguished colleague, the gentleman from Georgia [Mr. BISHOP].

The SPEAKER pro tempore (Mr. FARR). Without objection.

There was no objection.

Mr. BISHOP. I thank the gentleman from California for yielding to me.

I would like to thank him for his kindness in yielding the balance of his time to me.

Mr. Speaker, I am very, very honored and privileged to stand in this great body at this auspicious time because it is a celebration of the legacy of Thurgood Marshall. This could not be any more appropriate as we begin the celebration of the Congressional Black Caucus weekend.

Longfellow wrote "Lives of great men all remind us we can make our life sublime, and departing, leave behind us footprints on the sands of time. There is no question that Thurgood Marshall was a great man. But, you know, great men have epitaphs written on their tombstones and certainly Thurgood Marshall will have 1908 dash 1993, the year of his birth and the year of his death. But I submit to you that more important than the year of his birth or the year of his death is that dash that went between. It is what I like to call "the dash of life" for in the dash of Thurgood Marshall's life he truly made a difference.

He was able to make the world, through his life's work, a little more of hope, a little less of fear, a little better for his having traveled here. In the dash of his life he served many roles; he performed many duties. Yet he offered himself in service in so many and varied ways as a legal strategist, as a litigator, as a jurist, as a legend in the fight to tear down the walls of American apartheid in the 20th century.

He was indeed the chief crusader for equal opportunity in education, for equal opportunity in employment, equal opportunity in housing, equal opportunity in public accommodations.

He was an institution-builder, an institution-builder in that he was a part of that group that founded the NAACP Legal Defense Fund, that spearheaded some of the cases which resulted in equal opportunity through justice and through our justice system into law.

On a personal note, but for the institution that was created through the NAACP Legal Defense Fund, whither would I be? As a young law student I was able to benefit from the scholarship fund established through the work of Thurgood Marshall so I could attend and graduate from Emory University School of Law. As a recent law graduate I was able to benefit by the institution that was created by Thurgood Marshall through the NAACP Legal Defense Fund by participating as an intern in the Earl Warren Legal Training Program, which created civil rights lawyers in the South, who would agree to go back to the South and practice civil rights law for at least 3 years in return for receipt of a stipend, office allowance, and expense allowance.

Thurgood Marshall indeed was an institution-builder. He did it, though, not with ease, he did it in the dash of his life with great fights, with many fights. And as I reflect, and as we pause to reflect on the life and the contributions of Thurgood Marshall, I am reminded of a poem.

Someone wrote:

A tree that never had to fight for sun, sky and air and light.
That stood out in the open plain and always got its share of rain.
Never became a forest king but lived and died a scrubby thing.
A man who never had to toil by land or mind in life's turmoil.
Who never had to earn his share of sun and sky and light and air.
Never became a manly man.
But lived and died as he began.
Good timber does not grow in ease.
The roughest storm, the stronger trees.
The farther sky, the greater length.
The stronger wind, the greater strength.
By wind or rain, by sun or snow, in trees or man, good timbers grow.

Thurgood Marshall, a man for all seasons, was indeed good timber.

Mr. Speaker, I ask unanimous consent that I be permitted to yield the balance of my time to my distinguished colleague, the gentleman from Illinois [Mr. RUSH].

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. RUSH. I rise today to pay tribute to the late jurist, Justice Thurgood Marshall, one of this century's greatest champions for civil rights. History will remember him as the first African-American to be appointed to the Supreme Court, but we must also remember him as a young lawyer charged with courage and driving conviction. In remembrance of his stalwart spirit, I ask every one to look back, beyond his appointment to the Supreme Court, as I briefly retrace his steps. In doing so, we will find that Thurgood Marshall helped bring the Nation to its knees in struggle, only to help make it stand on higher ground later.

Thurgood Marshall was born in 1906, 10 years after the court adopted the Plessy versus Fergeson, separate but equal doctrine. Educated in a segregated school system, he would later prove instrumental in overturning this country's racist school system.

In 1929, after graduating with honors from Lincoln University in Oxford, PA, he applied to the University of Maryland's School of Law. Thurgood Marshall was denied admission outright because of his race. Instead, he attended Howard University's College of Law, graduating summa cum laude in 1933.

Shortly after earning his law degree, he was hired by the Baltimore chapter of the NAACP as lead legal counsel. Serving in his new capacity, he tenaciously challenged the admittance practices of the University of Maryland. Because of his efforts, the school that rejected him in 1929, admitted its first African-American student in 1935.

In addition to his work for the NAACP, he also established a private practice that served many indigent clients, handling civil rights and criminal law cases. Truly, he served those who were historically treated unfairly.

By 1938 Thurgood Marshall was appointed as lead counsel for the NAACP's national office. In the ensuing year, Thurgood Marshall established the NAACP's legal defense and educational fund [LDF], serving as both director and chief legal counsel for the fund. His aim—to provide for the desegregation of the American school system. His method—to create a strong coalition of skilled civil rights lawyers. He accomplished this by traveling through the south, encouraging members of the bar to challenge the constitutionality of the segregated school system through the lower courts. Thurgood Marshall's carefully constructed strategy, to couple the successful challenges made in the lower courts with coordinated appeals made in the higher courts, was so effective, that it helped earn him the privilege to argue cases before the U.S. Supreme Court by 1939. Twenty-nine of the thirty-two cases he passionately argued before the Supreme Court, on behalf of the NAACP, were successful, and brought about necessary change.

The greatest triumph of his early career occurred when he was serving as lead counsel for the team of attorneys working on the Brown versus Board of Education case that unanimously overturned the "separate but equal doctrine." Using the language of the Constitution, he proved that racial segregation was unconstitutional. Thurgood Marshall successfully argued that the fourteenth amendment to the constitution provided for equal protection under the law, while the fifth amendment required due process of law. The precedent he set proved crucial in challenging segregation not merely in education, but throughout society. Racial discrimination was rampant in voting methods, housing, public service and public accommodations. His team worked diligently to eradicate the injustices that have plagued this country since its inception.

On September 23, 1961 President John F. Kennedy nominated Thurgood Marshall to the U.S. Court of Appeals Second Circuit. Unfortunately, his confirmation was stalled for 1 year by a group of Senators who unabashedly approved, and held fast to, segregationist doctrines. As a Federal Justice, he delivered over 150 opinions, always challenging other Justices toward a higher moral plane.

Because of his social responsiveness to the needs of our Nation, President Lyndon B. Johnson named Thurgood Marshall Solicitor General to the United States. Serving in that capacity, he filed many amicus curie briefs that helped guide the Supreme Court in making difficult decisions concerning civil and criminal rights.

In 1967, President Johnson nominated Thurgood Marshall to the Supreme Court. After a trying series of sessions with the Judiciary Committee, he was confirmed by a vote of 69 to 11. As a Supreme Court Justice, he often challenged his colleagues in argument and dissent in his life-long struggle for "equal justice under the law." Moreover, he repeatedly commented that his work is not yet done and vociferously warned those empowered to avoid complacency that at times follows progress.

Justice Marshall's achievements represent more than a brilliant career. His life-long struggle for justice and equality under the law opened many doors and created opportunities for African-Americans. Society owes a debt of gratitude to the late Justice Marshall that can never be repaid. He helped to break the mental and societal bonds of slavery and classism. He showed the world that equal opportunity for all is an attainable dream.

I am living that dream. Every one here today is living that dream. We all must strive toward making this dream a reality; it is our duty, it is our responsibility. It is our goal.

□ 1610

Mr. Speaker, I yield the balance of my time, with unanimous consent, to the gentleman from North Carolina [Mr. WATT].

The SPEAKER pro tempore (Mr. FARR). Without objection, the Chair

recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Speaker, Mrs. Marshall and family, I rise today to pay tribute to Justice Thurgood Marshall and to his memory. As I stand here in the well of this Chamber, I am often humbled. Humbled by the distinct responsibility and unique opportunity to serve my country as an elected representative of the people of the State of North Carolina. And humbled by those whose efforts made it possible for me to be here today. Thurgood Marshall was one of those people and one man whose life's work makes me especially humble in this regard.

Thurgood Marshall was a trailblazer in the efforts of Americans, both black and white, to create a truly equal society. As a brilliant litigator and unsurpassed jurist, he led the American people down an uncharted path which ultimately led this country to desegregate its schools, address discrimination openly, and send black representatives to Congress in numbers not seen since Reconstruction.

Spurred on by his superior abilities to recognize discrimination and clearly define injustice, Marshall fought tirelessly for what would seem the simple goal of equality. "Equal," he argued en route to his landmark triumph in Brown versus Board of Education "means getting the same thing, at the same time, and in the same place." His clear vision and his unique ability to enunciate that vision as forcefully as needed tapped into the American conscience, and gave hope to blacks and to whites, to the downtrodden, to those who society would try to forget.

If his moral indignation at discrimination was his compass on the path toward equality, his guidebook was the law. As a lawyer and now a legislator, I am particularly overwhelmed by Justice Marshall's ability to use the law to advance the cause of equality, especially for black Americans. In 1987, he wrote:

> What is striking is the role legal principles have played throughout America's history in determining the condition of Negroes. They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and, finally, they have begun to win equality by law. Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue.

President Johnson recognized Marshall's unique and historic ability with the law when he remarked at Judge Marshall's swearing in as Solicitor General of the United States in 1965, "Thurgood Marshall symbolizes what is best about our American society: the belief that human rights must be satisfied through the orderly processes of law." Never before had anyone, black or white, been so successful in commanding our legal system toward ends so central to the promises America had been founded upon.

Marshall's deep and intimate understanding of American law is best illustrated by his interpretation of the Constitution. He told us,

> I do not believe that the meaning of the Constitution was forever fixed at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the framers particularly profound.

For Marshall, as it must be for all black Americans and for all Americans who truly believe in our system of law, the Constitution is a living document, refined to guarantee equality. Only through its refinement and the constant struggle against discrimination, inequity, and injustice are its promises made whole.

Marshall reminded all the world that the Founding Fathers had deliberately left out African-Americans in their new nation, creating a mountain of obstacles to be overcome before all people could truly be recognized as having been created equal. We the People no longer enslave, he chided Americans in the Constitution's bicentennial year, but the credit does not belong to the framers. It belongs to those who refused to acquiesce in outdated notions of liberty, justice, and equality, and who strived to better them. Thurgood Marshall led us, using the law, to strive for these lofty ideals in our time, every place and continuously in our communities, in our States and even in this very Congress to strive for the best we can achieve for our Nation and for equality.

It is ironic that a man who asked only to be remembered as one who did the best he could with what he had should have conquered odds so great and accomplished so much for so many. As a public figure of great vision, as a patriot of unwavering commitment, and as a leader of selfless devotion, his legacy is our inheritance. It is a precious gift.

I was not fortunate enough to study and work at Thurgood Marshall's feet when I worked at the NAACP Legal Defense Fund. He had already passed the torch to new leadership at the LDF. But I have been touched by this giant of a man through the tremendous impact he had on my former law partner and mentor, Julius Chambers. Julius taught me the lessons he learned from Thurgood Marshall—integrity, humility, tenacity, and devotion to justice.

My task is to carry on down the trail that Thurgood Marshall blazed. "You either work to improve society, or you become a parasite on it," he said. In my humble attempt to do that work, I miss the able guidance Thurgood Marshall provided. And while there is a light, way down at the end of the path Thurgood Marshall led us on, it glares bright without his great frame to shadow and guide us.

□ 1620

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Virginia [Mr. SCOTT].

The SPEAKER pro tempore (Mr. FARR). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SCOTT. Mr. Speaker, Thurgood Marshall was a man of two careers. First, he was a litigator for the NAACP Legal Defense Fund. Arguing civil rights cases at great personal risk, Marshall used his legal skills to attack the degrading Jim Crow and segregation laws of the South. Organizing a network of sympathetic lawyers, and instigating local challenges to segregation, he lead the campaign to desegregate America's schools. In leading this charge, Marshall won 29 out of 32 cases before the Supreme Court.

Challenging the doctrine of separate but equal, Marshall was instrumental in ensuring that the next generation of African-Americans would not live in such a condition of degradation. In 1954, Marshall won his most famous case, Brown versus Board of Education, which began the end of legal segregation in America. This was a victory that changed the lives of all Americans, for the better.

Thurgood Marshall's second career was as a lawyer for the Federal Government. Starting with his appointment to the Court of Appeals for the Second Circuit, he later served as the Solicitor General under President Johnson. Writing over 150 opinions for the second circuit, Marshall was noted as taking on the tough issues. As Solicitor General, his legal skills were again proven, when he won 14 of 19 cases for the Government.

However, Thurgood Marshall's most renowned accomplishment came when he was appointed to the Supreme Court of the United States on June 13, 1967. He was the first African-American to earn this honor.

As a Supreme Court Justice, he was a champion of the rights of the underprivileged. Feeling strongly that the courts should protect the rights of the individual, Marshall stated that "when elected officials cower before public pressure, this court, more than ever, must not shirk its duty to enforce the Constitution for the benefit of the poor and powerless."

The history of Thurgood Marshall was one of obstacles faced and barriers surmounted. An inspiration to all Americans, his example of hard work and courage in the face of monumental challenges made him one of the great men of our age.

Marshall left an enduring record of legal and social achievements. He became an American icon. While living the American dream, Thurgood Marshall also shaped that dream. He helped America see that our country could become a colorblind society, founded in equality, housed by fairness, and roofed by justice.

Mr. Speaker, as a fellow member of the Alpha Phi Alpha fraternity, Thurgood Marshall exemplified our motto, "First of all, servants of all; we shall transcend all."

But on this day of remembrance, Mr. Speaker, it should be noted that Marshall's work is only partially completed. We have much to do to solve the problems that face this Nation. However, Thurgood Marshall is an example of what one man can accomplish with dedication and persistence.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Illinois [Mr. REYNOLDS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. REYNOLDS. Mr. Speaker, I rise today to join with those who are honoring Thurgood Marshall. One of the great tragedies of life is that we sometimes never get to tell the great idols of our lives and heroes of our lives what we thought of them in person. They never get to hear the great things that we would think to say about them before they pass on.

As a young man growing up in Mt. Bayou, MS, in the fifties, during the time that the Klan realized that they would no longer have all the courts and those avenues on their side and they turned to violence, my family was extremely pleased to know that there was someone working for us by the name of Thurgood Marshall and the NAACP.

But what was so great about Thurgood Marshall was that he was not a perfect man. He did not start with a silver spoon in his mouth. Even though he also did not start in abject poverty, he grew up not having everybody feel that he was going to be a superstar when he got older. He struggled in his young life. But it proved that he was a human being, just like all of us.

He was a scholar, and he had the courage to ask the tough questions, even at a time when the Supreme Court was changing. He asked the question once in dissent,

> What are we to do as a society when we find that a company or an organization or an institution has discriminated? Is it enough for us to just accept from them that they won't ever do it again, or do we have to do more to guarantee that they won't ever do it again?

If there was ever an American hero, then Thurgood Marshall was that. His courage, his outstanding intellect, his service to this country, is something that all of us, no matter what our background, our race, our religion, ought to be proud of. He set a standard that we can only hope to meet someday as we move forward in our own lives.

I say to Thurgood Marshall's family, it is indeed an honor to participate in today's event, and to let you know that I will do my very best in my humble way to carry on the great tradition, the great standards, that Thurgood Marshall set for this great Nation.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from Georgia [Ms. MCKINNEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1630

Ms. MCKINNEY. Mr. Speaker, it is an honor to participate in this special order for Thurgood Marshall. Without his leadership, as an attorney, an organizer, a leader and a judge, I would not be a Member of the House of Representatives. His commitment to equal rights was as strong for the rights of women as it was for men.

Thirty years ago we were in the midst of a season of discontent:

Black people decided to sit down at lunch counters all over this country in order to stand up for freedom and justice and dignity.

Black people decided to register to vote to change the policymakers since they couldn't change the policies of oppression that blanketed the South and this Nation.

Young freedom riders, both black and white, defied the racial order of apartheid and bigotry in the South, and some saw their lives ended, as they rode on those freedom rides of the American dream.

Three young men, Goodman, Chaney, and Schwerner, should never be forgotten, as they rode the freedom ride to their death in Philadelphia, MS.

Goodman, Chaney, and Schwerner learned from Justice Marshall. They should never be forgotten, because they represented all that is good in America.

They were young and hopeful, willing to challenge racism of the time in order to do what was right for their country and for their fellow man.

We have just endured another long season of discontent, where Government served the interests of a few of us at the expense of the rest of us. Now the challenge is clear. Not until we completely obliterate the politics of division that this country has endured and remember that words and actions and deeds do indeed have ramifications, and understand the complete sense of alienation that our young people feel about this system that we call their government and our society, will we be able to properly deal with the many frustrations of being young and black in America.

As we look to the tools to fight the ills of scandals, war against Third World people, environmental injustice, a complete neglect of this country's children and the shame of Shaw versus Reno, the tactics, the techniques, the models of corrective legislation behind these tools, we find the hand and the brilliant mind of Thurgood Marshall.

Thurgood Marshall showed us how to fight within the context of the guarantees of our American democracy. He taught us that it is our duty to enhance, enlarge, and increase the scope of our democracy. And he taught us, most importantly, to never give up.

Thanks to Thurgood Marshall, loyal Americans can use the Congress, the streets and the courts to help America be America for all.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from New York [Mr. RANGEL].

The SPEAKER pro tempore (Mr. FARR of California). Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

Mr. RANGELL. Mr. Speaker, as we conclude this tribute to the late and great Justice Thurgood Marshall, let me thank all of the Members that entered their statement into the RECORD but, because of the Jewish holiday and the fact that we are not voting today, could not be with us in person. But also to thank Emile Milne for coordinating this special order and tribute to Thurgood Marshall and to thank the family for sharing the husband, the father, with all of us in the Congress and the country and, indeed, the world.

We hope to put together a bound statement that you will have a legacy from us.

I conclude by pointing out that in a statement that Thurgood Marshall gave on the day that he resigned, he indicated that he would never give up, that he could never give up and he could not compromise with something that is morally correct.

All we can say, in the Congressional Black Caucus, is that we will do our best to make certain that his truths keep marching on.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Ms. MCKINNEY) laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, August 5, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize studies of potential water resources flood control projects by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the

provisions of section 4 of the Act of March 4, 1913.

Sincerely yours,

NORMAN Y. MINETA,
Chairman.

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CASTLE) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes today, in lieu of 60 minutes previously ordered.

(The following Members (at the request of Mr. RANGEL) to revise and extend their remarks and include extraneous material:)

Mr. SABO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. HOYER, for 60 minutes, on September 21.

(The following Members (at the request of Mr. RANGEL) to revise and extend their remarks and include extraneous material:)

Ms. EDDIE BERNICE JOHNSON of Texas, for 60 minutes, today.

Mr. SABO, for 60 minutes, on September 21.

Mr. DELAY, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CASTLE) and to include extraneous matter:)

Mr. CRANE.

Mr. GILMAN.

Mr. GALLEGLY in two instances.

Mr. GEKAS.

(The following Members (at the request of Mr. RANGEL) and to include extraneous matter:)

Mr. BONIOR in two instances.

Mr. BROWN of California.

Mr. BARCIA OF MICHIGAN in three instances.

Mr. SLATTERY.

Ms. SLAUGHTER.

Mr. HUGHES.

Mr. ANDREWS of Maine.

Mr. KREIDLER.

Mr. VISCLOSKY.

Mr. HOCHBRUECKNER.

Mr. GUTIERREZ.

(The following Members (at the request of Mr. RANGEL) and to include extraneous matter:)

Mr. KOPETSKI.

Mr. BLACKWELL.

Mr. TAUZIN.

Mr. GLICKMAN.

Mr. HANSEN.

Mr. DE LA GARZA.

Mr. HOYER.

Mr. SANGMEISTER.

Mr. SCHAEFER.

Mr. GUNDERSON.

Mr. OBERSTAR.

Mr. VENTO.

Mr. GINGRICH.

Mr. COYNE.

Mrs. SCHROEDER.

Mr. JOHNSON of South Dakota.

ADJOURNMENT TO TUESDAY, SEPTEMBER 21, 1993

Mr. RANGEL. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 145 of the 103d Congress, the House stands adjourned until noon on Tuesday, September 21, 1993.

Thereupon (at 4 o'clock and 38 minutes p.m.), pursuant to House Concurrent Resolution 145, the House adjourned until Tuesday, September 21, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1885. A letter from the Director, Test and Evaluation, Department of Defense, transmitting summaries outlining 13 test projects recommended for fiscal year 1994 funding, pursuant to 10 U.S.C. 2350a(g); the Committee on Armed Services.

1886. A letter from the Secretary, Department of Housing and Urban Development, transmitting the fourth annual report describing the status of multifamily housing subject to subsection (a) of section 203(k) of the Housing and Community Development Amendments of 1978, as amended, pursuant to 42 U.S.C. 1701z-11; to the Committee on Banking, Finance and Urban Affairs.

1887. A letter from the Secretary of Education, transmitting Final Regulations—Drug-Free Schools and Communities Emergency Grants Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1888. A letter from the Commissioner, National Center for Education Statistics, transmitting the Center's report entitled "Adult Literacy in America; A First Look at the results of the National Adult Literacy Survey"; to the Committee on Education and Labor.

1889. A letter from the Commissioner, National Center for Education Statistics, transmitting the Center's report entitled "Setting Performance Standards for Student Achievement"; to the Committee on Education and Labor.

1890. A letter from the Secretary of Health and Human Services, transmitting the Department's Eighth Special Report on Alcohol and Health, pursuant to 42 U.S.C. 290aa-4(a); to the Committee on Energy and Commerce.

1891. A letter from the Department of Energy, transmitting notification that the report required by section 401 of the Telephone Disclosure and Dispute Resolution Act of 1992 will de delayed until mid-September; to the Committee on Energy and Commerce.

1892. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Presidential Determination concerning Jordon, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

1893. A letter from the Secretary of Commerce, transmitting the fourth progress report regarding contracting for the rebuilding of Kuwait, pursuant to Public Law 102-25, section 606(f) (105 Stat. 111); to the Committee on Foreign Affairs.

1894. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Mark Gregory Hambley, of California, to be Ambassador to Lebanon and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1895. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93-33, determination pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended; to the Committee on Foreign Affairs.

1896. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's Determination and Memorandum of Justification with regards for assistance to support the ECOWAS peacekeeping operation in Liberia; to the Committee on Foreign Affairs.

1897. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's Management Report for fiscal year 1992, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1898. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1899. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Court will open the October 1993 term on Monday, October 4, 1993, at 10:00 a.m.; to the Committee on the Judiciary.

1900. A letter from the Acting Director, U.S. Fish and Wildlife Service, transmitting a study of the fishery resources and habitats of the Chehalis River, pursuant to Public Law 101-452, section 3(a) (104 Stat. 1055); to the Committee on Merchant Marine and Fisheries.

1901. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's fiscal year 1995 submission to OMB, pursuant to 49 U.S.C. app. 1903(b)(7); to the Committee on Public Works and Transportation.

1902. A letter from the Acting Commissioner, Social Security Administration, transmitting the Social Security Administration's 1993 Report to Congress, pursuant to 42 U.S.C. 904; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2608. A bill to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program (Rept. 103-241). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2685. A bill to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes (Rept. 103-242). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2751. A bill to amend title 5, United States Code, to provide for the granting of leave to Federal employees wishing to serve as bone-marrow or organ donors, and to allow Federal employees to use sick leave for purposes relating to the adoption of a child; with amendments (Rept. 103-243). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MICHEL (for himself, Mr. GINGRICH, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CASTLE, Mr. CLINGER, Mr. COLLINS of Georgia, Mr. CRANE, Mr. CUNNINGHAM, Mr. DELAY, Mr. EMERSON, Mr. EWING, Mr. FAWELL, Mrs. FOWLER, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GILCHREST, Mr. GILMAN, Mr. GILLMOR, Mr. GOODLING, Mr. GOSS, Mr. GRANDY, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOKE, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KYL, Mr. LEVY, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCDADE, Mr. MCHUGH, Mr. MCCOLLUM, Mr. MCKEON, Mr. MCMILLAN, Mr. MANZULLO, Mrs. MEYERS of Kansas, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PETRI, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. REGULA, Mr. ROBERTS, Mrs. ROUKEMA, Mr. SANTORUM, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHAYS, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Ms. SNOWE, Mr. SOLOMON, Mr. STUMP, Mr. TALENT, Mr. THOMAS of California, Mr. THOMAS of Wyoming, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WOLF, Mr. YOUNG of Alaska, and Mr. ZELIFF):

H.R. 3080. A bill to improve access to health insurance and contain health care costs, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and the Judiciary.

By Mr. ROWLAND (for himself and Mr. SMITH of New Jersey):

H.R. 3081. A bill to amend title 38, United States Code, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange; to the Committee on Veterans' Affairs.

H.R. 3082. A bill to improve health care services of the Department of Veterans' Affairs relating to women veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOPETSKI:

H.R. 3083. A bill to establish the Opal Creek Forest Preserve in the Detroit Ranger District of the Willamette National Forest in the State of Oregon; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. FIELDS of Texas, Mr. COBLE, Mr. LIPINSKI, Mr. BATEMAN, and Mr. LAUGHLIN):

H.R. 3084. A bill to make a technical amendment to the Internal Revenue Code of 1986 relating to the boat safety account in the aquatic resources trust fund; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 3085. A bill to improve administrative services and support provided to the National Forest Foundation, and for other purposes; to the Committee on Agriculture.

By Mr. FRANKS of New Jersey (for himself and Mr. BOEHNER):

H.R. 3086. A bill to reduce the size of the Federal civilian work force; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. GLICKMAN (for himself, Mr. HANSEN, Mr. CARR, Mr. MICHEL, Mr. MINETA, Mr. SHUSTER, Mr. OBERSTAR, Mr. CLINGER, Mr. INHOFE, Mr. LIGHTFOOT, Mr. CUNNINGHAM, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACCHUS of Florida, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CANADY, Ms. CANTWELL, Mr. CLYBURN, Mr. COLLINS of Georgia, Miss COLLINS of Michigan, Mr. COMBEST, Mr. COPPERSMITH, Mr. COX, Mr. CRAMER, Mr. CRANE, Mr. CRAPO, Ms. DANNER, Mr. DARDEN, Mr. DEAL, Mr. DELAY, Mr. DE LUGO, Mr. DERRICK, Mr. DICKS, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Ms. DUNN, Mr. DURBIN, Mr. EMERSON, Mr. EVERETT, Mr. EWING, Mr. FISH, Mr. FOGLIETTA, Mrs. FOWLER, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GINGRICH, Mr. GORDON, Mr. GOSS, Mr. GRAMS, Mr. GRANDY, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HALL of Texas, Mr. HANCOCK, Ms. HARMAN, Mr. HASTERT, Mr. HAYES, Mr. HEFLEY, Mr. HEFNER, Mr. HERGER, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HOLDEN, Mr. HORN, Mr. HOUGHTON, Mr. HUFFINGTON, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JACOBS, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON, Mr. JOHNSTON of Florida, Ms. KAPTUR, Mr. KASICH, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KYL, Mr. LAUGHLIN, Mr. LEACH, Mr. LEHMAN, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LINDER, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MANZULLO, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCCURDY, Mr. MCDADE, Mr. MCHUGH, Mr. MCKEON, Mr. MCMILLAN, Mrs. MEYERS of Kansas, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. ORTON, Mr. OXLEY, Mr. PACKARD, Mr. PARKER, Mr. PASTOR, Mr. PAYNE of Virginia, Mr. PAXON, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. PETERSON of Florida, Mr. PETRI, Mr. PORTER, Mr. PORTMAN, Mr. POSHARD, Mr. QUINN, Mr. RAVENEL, Mr. REGULA, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROGERS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROTH, Mr. ROWLAND, Mr. ROYCE, Mr. SANTORUM, Mr. SAXTON, Mr. SCHAEFER, Mr. SHAW, Mr. SHAYS, Ms. SHEPHERD, Mr. SKEEN, Mr. SLATTERY, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Ms. SNOWE, Mr. SPENCE, Mr. SPRATT, Mr. STEARNS, Mr. STENHOLM, Mr. STUMP, Mr. SUNDQUIST, Mr. SWETT, Mr. SWIFT, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. THOMAS of Wyoming, Mr. THORNTON, Mrs. THURMAN, Mr. TORKILDSEN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UPTON, Mr. VALENTINE, Mr. VISCLOSKY, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALSH, Mr. WOLF, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 3087. A bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mrs. KENNELLY (for herself, Mr. HOUGHTON, Mrs. MEEK, Mr. MATSUI, Mr. CAMP, Mr. CARDIN, Mr. COYNE, Mr. FORD of Tennessee, Mr. GIBBONS, Mr. GRANDY, Mr. HANCOCK, Mr. HERGER, Mr. JEFFERSON, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. PAYNE of Virginia, Mr. RANGEL, Mr. REYNOLDS, Mr. SANTORUM, Mr. SHAW, Mr. SUNDQUIST, Mr. THOMAS of California, and Mr. FAZIO):

H.R. 3088. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to simplify employment taxes on domestic services; to the Committee on Ways and Means.

By Mr. KLUG:

H.R. 3089. A bill to provide for programs and activities regarding primary health care; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

By Mr. KREIDLER:

H.R. 3090. A bill to amend title 38, United States Code, to improve the ability of the

Department of Veterans Affairs to provide continuity of care in the rehabilitation of chronically mentally ill veterans, and for other purposes; to the Committee on Veteran' Affairs.

By Mr. SMITH of Michigan:

H.R. 3091. A bill to amend the Congressional Budget Act of 1974 to provide for allocations of authorizations of budget authority to authorizing committees of the House of Representatives and the Senate; to the Committee on Rules.

By Mr. TUCKER:

H.R. 3092. A bill to provide for the conveyance of real property located at the Naval Housing Cabrillo Site, Long Beach, CA, to the California State University, Long Beach Foundation; to the Committee on Armed Services.

By Mr. SCHAEFER (for himself, Mr. GUNDERSON, Mr. SARPALIUS, Mr. ANDREWS of New Jersey, Mr. BATEMAN, Mr. BALLENGER, Mr. BARRETT of Wisconsin, Mr. BLILEY, Mr. BLUTE, Mr. BOEHNER, Mr. COX, Mr. HOLDEN, Mr. KLEIN, Mr. KING, Mr. LEVY, Mr. MCCOLLUM, Mr. MURTHA, Mr. QUINN, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROHRABACHER, Mr. SISISKY, Mr. SAXTON, Mr. WALSH, Mr. VENTO, Mr. CLINGER, Mr. EDWARDS of Texas, Mr. BILIRAKIS, Mr. MCINNIS, Mr. PETRI, Mr. COPPERSMITH, Mr. LIVINGSTON, Mr. MARTINEZ, and Mr. KASICH):

H.J. Res. 262. Joint resolution to designate October 3 through 10, 1993, as "Great American Beer Week"; to the Committee on Post Office and Civil Service.

By Mr. MINETA (for himself and Mr. SHUSTER):

H. Con. Res. 146. Concurrent resolution authorizing the use of the Capitol building and grounds for events to commemorate the 200th anniversary of the laying of the cornerstone of the Capitol; to the Committee on Public Works and Transportation.

MEMORIALS

Under the clause 4 of rule XXII,

243. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Long Beach Naval Base; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 144: Mr. PACKARD.

H.R. 323: Mr. FAWELL.

H.R. 436: Mr. GRANDY and Mr. CLYBURN.

H.R. 703: Mr. HOBSON, Mr. DORNAN, Mr. GILLMOR, and Mr. CASTLE.

H.R. 746: Mr. MORAN.

H.R. 790: Mr. ROEMER.

H.R. 794: Mr. MCNULTY.

H.R. 967: Mr. INGLIS of South Carolina, Ms. DUNN, and Mr. STUPAK.

H.R. 1048: Mr. ZIMMER, Mr. HASTINGS, Ms. NORTON, and Mr. JOHNSON of South Dakota.

H.R. 1203: Mr. FROST and Mr. CANADY.

H.R. 1309: Mr. HORN, Mr. WOLF, Mr. GUNDERSON, Mr. HASTERT, Mr. COX, Mr. CANADY, and Mr. FRANKS of Connecticut.

H.R. 1419: Mr. RUSH.

H.R. 1528: Mr. ROBERTS.

H.R. 1738: Mr. KANJORSKI.

H.R. 1878: Mr. QUINN, Mr. LAFALCE, Mr. HYDE, and Mr. MURPHY.

H.R. 1928: Mr. BALLENGER and Mr. STUMP.

H.R. 1950: Mr. RAVENEL, Mr. BACHUS of Alabama, Mr. CASTLE, Mr. COX, Mr. ROYCE, and Mr. QUINN.

H.R. 1967: Mr. VISCLOSKY.

H.R. 1968: Mr. GORDON, Mr. ROSE, Mr. DEFAZIO, and Mr. FILNER.

H.R. 1970: Mr. VISCLOSKY.

H.R. 2135: Mr. HANSEN.

H.R. 2292: Ms. SNOWE.

H.R. 2434: Mr. SPENCE.

H.R. 2623: Mr. TOWNS.

H.R. 2797: Mr. MILLER of California, Mr. ROMERO-BARCELO, Ms. ESHOO, Mr. RANGEL, Mr. ANDREWS of New Jersey, Mr. TUCKER, Mr. FALEOMAVAEGA, and Mr. GUTIERREZ.

H.R. 2873: Ms. BROWN of Florida, Mr. MICA, Mr. MCCOLLUM, Mr. UNDERWOOD, Mr. JOHNSTON of Florida, and Mr. PETERSON of Florida.

H.R. 2886: Mr. WELDON, Mr. EMERSON, Mr. KLINK, Mr. GILLMOR, Mr. MURPHY, Mr. BOEHNER, and Mr. HASTERT.

H.R. 2925: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DORNAN, Mr. KIM, and Mr. GOSS.

H.R. 2927: Mr. KOPETSKI.

H.R. 3023: Mr. ROHRABACHER, Mr. OBERSTAR, Mr. BACCHUS of Florida, Mr. DICKS, Mr. HALL of Ohio, Mr. HUGHES, Mr. WYNN, Mrs. MORELLA, Mr. PICKETT, Ms. BYRNE, Mr. CRAMER, Mr. MANTON, Mr. DICKEY, Mr. HALL of Texas, Mr. ROSE, and Mr. FOGLIETTA.

H.R. 3024: Mr. ALLARD.

H.R. 3041: Mr. SANDERS.

H.J. Res. 155: Mrs. MEYERS of Kansas, Mr. SWETT, Mr. EWING, Mr. GALLO, Mr. PETRI, Mrs. FOWLER, Mr. LIGHTFOOT, Mr. MOORHEAD, Mr. MCCOLLUM, Mr. KLUG, Mr. GRANDY, Mr. INHOFE, Mr. BOEHLERT, and Ms. NORTON.

H.J. Res. 178: Mr. ANDREWS of Maine, Mr. ANDREWS of New Jersey, Mr. BARLOW, Mr. BISHOP, Mr. BLILEY, Ms. BROWN of Florida, Mrs. CLAYTON, Mr. CONYERS, Mr. COPPERSMITH, Mr. DEUTSCH, Ms. ESHOO, Mr. FORD of Michigan, Mr. FRANKS of Connecticut, Mr. HASTERT, Mr. HEFNER, Mr. HOLDEN, Mr. SAM JOHNSON, Mr. KLECZKA, Mrs. MALONEY, Mr. KLEIN, Mr. OLVER, Mr. PETRI, Mr. PICKLE, Ms. PRYCE of Ohio, Mr. SABO, Mr. SANDERS, Mr. SHAYS, Mr. SLATTERY, Mr. SYNAR, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Ms. VELÁZQUEZ, Ms. WOOLSEY, and Mr. ENGEL.

H.J. Res. 188: Mr. BUYER, Mr. BISHOP, Mr. DARDEN, Mr. PORTMAN, Mr. TORKILDSEN, Mr. VOLKMER, Mr. BAESLER, Mr. BARLOW, Mr. BARRETT of Wisconsin, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mrs. CLAYTON, Ms. DANNER, Mr. DEAL, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. FINGERHUT, Ms. FURSE, Mr. HAMBURG, Mr. INSLEE, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KLEIN, Mr. KLINK, Mr. NADLER, Mr. POMEROY, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Mr. ROWLAND, Ms. ROYBAL-ALLARD, Mr. SHARP, Ms. SHEPHERD, Mr. STUPAK, Mr. SWIFT, Mrs. THURMAN, Mr. WATT, Ms. WOOLSEY, Mr. WYDEN, Mr. CRAPO, Mr. GREENWOOD, Ms. MARGOLIES-MEZVINSKY, Mrs. COLLINS of Illinois, Mr. COOPER, Mr. PALLONE, and Mr. POMBO.

H.J. Res. 194: Mr. BEILENSON, Mr. FOGLIETTA, and Mr. KENNEDY.

H.J. Res. 256: Mr. ALLARD.

H. Con. Res. 110: Mr. MURTHA, Mr. PALLONE, Mr. MCDADE, Mr. WAXMAN, Mr. JACOBS, and Mr. BATEMAN.

H. Con. Res. 122: Mr. NEAL of Massachusetts, Mr. BLUTE, Mr. MACHTLEY, Mr. REED, Mr. DIXON, and Mr. GINGRICH.

H. Res. 247: Mr. ALLARD.

SENATE—*Wednesday, September 15, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The Reverend Richard C. Halverson, Jr., of Falls Church, VA, will offer the prayer.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Father in Heaven, at a significant time in our Nation's history, Benjamin Franklin raised this question to his colleagues in Congress: "If a sparrow cannot fall to the ground without His notice, is it possible that an empire can rise without His aid?"

Lord, this question reminds us this day, on the eve of Rosh Hashanah, of our utter dependence upon You and Your sovereign guidance by Your grand hand. We pray that in these days You will cause the Sun to rise on our land that we might provide a better, safe haven for our citizens, and a good example to our global friends of a nation wherein the people may freely assemble before Thee.

It is written: *For the kingdom is the Lord's: and He is the Governor among the nations.*—Psalm 22:28.

We make this prayer in the name of Yeshua, who came to save, not to judge, the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

INTERIOR APPROPRIATIONS ACT OF 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2520 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Mr. PACKWOOD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I am extremely dismayed that the bill before us contains additional funding for the Endangered Species Act.

The formal funding authorization for the Endangered Species Act expired in the last Congress. I have been eagerly awaiting the reauthorization process because it is my view that changes are urgently needed in the Endangered Species Act. Most notably, the law needs to be changed to require greater consideration of the economic costs of preserving millions of acres for animals and plants.

Unfortunately, once again, through an annual appropriation, the Senate is extending the law without the benefit of close scrutiny by the authorizing committee and necessary changes that I believe the Endangered Species Act richly deserves. It is my view that the Senate should not continue to fund this flawed statute in its present form.

As it is currently written, the Endangered Species Act fails to achieve a workable balance between the demands of wildlife protection and the need for jobs and a growing economy. The decision to list a species as threatened or endangered must be based solely on the biological status of the species. Nothing else matters. When we wrote it 20 years ago, I do not think anyone imagined that the cost of protecting a species could equal tens of thousands of jobs.

No one that I know of ever imagined that under the Endangered Species Act if the choice was between a bird or a bug or a slug and tens of thousands of jobs the jobs would have to go according to the Endangered Species Act.

I think it is time for us to reexamine our priorities. We need to consider the frightening consequences of our present approach of protecting wildlife at any cost in terms of marital discord, bankruptcy, child abuse, and suicides that accompany job losses.

The business-as-usual approach of funding the ESA without a thought to the enormous implications that are becoming increasingly common is a disservice to thousands of Oregonians who are out of work or soon will be because their Government has placed the needs of wildlife above the needs of people.

There is a bill currently pending in the House which I support and which is soon to be introduced in the Senate. That bill, introduced by Representative TAUZIN and 84 of his colleagues, makes significant improvements to the Endangered Species Act. Most importantly, the bill takes human costs into consideration.

What we should be doing is having a full debate on the ESA. Instead, here we are, agreeing to an annual appropriation to carry out the provisions of the ESA with not so much as a nod to those communities out there which are being severely impacted by an act out of control.

So, Mr. President, while I will not at this junction move to eliminate funding for the ESA from the bill before us, I wish to alert my colleagues that this Senator is becoming increasingly frustrated with an annual appropriation for an act which is spinning out of control and wreaking havoc for our communities and workers.

I thank the Chair. I yield the floor.

EXCEPTED COMMITTEE AMENDMENT PAGE 97, LINES 1–4

The ACTING PRESIDENT pro tempore. The pending question is the committee amendment on page 97, lines 1 through 4.

Is there further debate on the amendment?

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

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

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Ten minutes after ten? And the Chaplain gave his prayer at

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

9:30. I say to my friend from Oklahoma, is this a 9 o'clock town or a 10 o'clock town? I am a 9 o'clock fellow in a 10 o'clock town.

Oh where, oh where has my little dog gone?
Oh where, oh where can he be?
With his ears cut short,
And his tail cut long,
Oh where, oh where can he be?

What are we going to do, may I say to my friend?

Mr. NICKLES. If the chairman will yield, I do not know where the little dog is, but we do have a couple of amendments on wolves and we have an amendment on cougar research. I just would urge my colleagues to follow the advice of the chairman of the committee and bring their amendments forth.

I know we have a Senator from Montana—Senator BURNS has been here this morning. He is ready to offer his amendment. I would encourage him to do so. Hopefully, we can agree with that amendment and dispose of it. We have a couple of other amendments dealing with wolves, and maybe we can dispose of those before Senator HELMS arrives to do the NEA amendments.

Mr. BYRD. Very well, I see the distinguished Senator from Montana is on the floor. Perhaps we are ready to go at last?

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. I thank the Chair. In responding to the chairman's urgent call for action here, I have an amendment. I have an amendment and I will send it to the desk.

The ACTING PRESIDENT pro tempore. If there is no objection, the pending committee amendment is set aside.

AMENDMENT NO. 894

Mr. BURNS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], proposes an amendment numbered 894.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 894

At the appropriate place, insert:

That funds included in the section entitled as Special Park Increases of the National Park Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf, shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park.

Mr. BURNS. Mr. President, for those who do not know much about this amendment, let me explain: There is currently allocated in this bill funds to hire two new wildlife biologists to work inside Yellowstone National Park, my amendment would transfer these funds to infrastructure work—improving roads, trails, paths, buildings, et cetera—inside the park.

Yellowstone is the crown jewel of our National Park System. It is our oldest and most beloved park. But the crown jewel is in need of repair. It needs some repair work from the loving it gets each year from the millions of people that get in their cars and take their kids to experience one of the natural wonders of the world. It needs some work folks, it is getting a bit shoddy and rundown at the heels.

There is some money. There is one-third of $1 million in this bill to put two new Government employees in the park studying wolves. That is right studying wolves—watching those very critters that we spent 100 years trying to get rid of.

We do not need to create two new Federal wildlife biologist positions in the National Park Service. We do not need to study the wolf. The Fish and Wildlife Service and the National Park Service have enough wildlife biologists now. We need to keep Yellowstone open and give it the repairs it needs so that it can receive more visitors.

Let me ask this, what will happen if the National Biological Survey is put into effect as Secretary Babbitt wants? Is the Fish and Wildlife Service going to be back asking for even more wildlife biologists? I thank the answer is yes.

Where do we get the money? Do parks such as Yellowstone continue to deteriorate so that we can increase the Federal work force? Do we hire wildlife biologists to study some endangered species in downtown New York? Atlanta? Does each endangered species get its own Federal wildlife biologist? Is this lifetime Federal employment for wildlife biologists? I don't think so, and I don't think that the majority of Montanan's who after all live near the park think so either.

There is no money in the till. Chairman BYRD has done a masterful job as has Senator NICKLES and their staffs in putting 40 pounds of potatoes into a 10-pound sack. But as a member of the Appropriations Committee and a Senator representing a State that bounds this wonderful park, I respectfully point out that I believe, this one-third of $1 million can be put to a better use.

This is an issue of setting priorities. Are people a priority or are wolves a priority? I want to put people first. I want to get the most bang for my buck.

On a side note I am pleased that we are beginning to address the problem of collecting funds at the park gate. Only after I floated my amendment did National Park Service Director Roger Kennedy announce that the gates of Yellowstone will be manned by Park Service employees full time beginning October 1. And I understand that some of those funds will remain at the park. That is good news.

But here is a third of $1 million that could be put to better use and I urge my colleagues listening to this debate to vote to help the park, the crown jewel of the National Park Service, and not to create yet two more Federal employees.

Mr. President, I hope the managers of this important bill can find a way to get an agreement on this. We will work toward that before I ask for any action to be taken.

Basically what this amendment is, it is the setting of priorities. I have spoken to the real cost in Government in doing business. When we talked about cut spending first before increasing taxes, one of the areas we find is the redundancy in Government. Everybody wants to do what everybody else is doing. This sort of allays one of those problems that exist with Yellowstone Park and its management.

This is the crown jewel of the park system. We have a problem up there of decaying infrastructure—roads, buildings, those facilities it takes to make their stay more enjoyable for any American who visits the crown jewel of all national parks.

What I am trying to do is shift some dollars from an area where they are not needed to an area where they are so sorely needed because of our infrastructure problem within the park and, yes, other national parks across the Nation.

I will have a statement on this amendment. I want to get it worked out on both sides of the aisle, that is, make it acceptable, and will work very hard at that.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EN BLOC AMENDMENTS NOS. 895, 896, 897, 898

Mr. BYRD. Mr. President, there are a number of amendments that have been cleared on both sides, and I ask unanimous consent on behalf of myself and Senator NICKLES that the following amendments be agreed to en bloc.

They are:

An amendment (No. 895) on behalf of Senators HATFIELD and MURRAY that addresses the need for early-out authority for the Forest Service to downsize in a rational fashion given the dramatic decreases in the timber sales program;

An amendment (No. 896) on behalf of Senator SIMPSON that earmarks $100,000 within the Fish and Wildlife Service account for a data base of big and small game animal populations in areas affected by possible reintroduction or natural return of wolves to the Yellowstone area;

An amendment (No. 897) on behalf of myself striking a provision in the bill related to employment floors for the Indian Health Service;

An amendment (No. 898) on behalf of Senator STEVENS prohibiting the use of funds for implementation of the Pacific salmon strategy in the Tongass National Forest.

The amendment on behalf of Senators HATFIELD and MURRAY will provide early-out authority to the Forest Service to assist in a rational downsizing of the organization necessary to comply with the significantly reduced size of the timber sales program. This authority is recommended in the hopes that significant reductions in force, and associated costs, can be avoided. While the reinventing Government initiative is looking at this issue, the situation in the Forest Service is more pressing, because of the reductions assumed in the budget this year related to timber sales and associated support costs. The amendment does include a provision that in the event similar Governmentwide authority is provided during this fiscal year, that legislation would supersede the authority provided herein.

The amendment on behalf of Senator SIMPSON would provide $100,000 for the assimilation of a data base related to big and small game animals that might be affected by wolf reintroduction in the West. Whether the wolves are reintroduced or return naturally, concern exists about the potential impact on game herd size. The amendment will allow for the compilation of a data base, most of which can be drawn from existing information available in different data bases, that will help to serve as a baseline for making future comparisons.

The amendment on behalf of Senator BYRD strikes language proposed by the House relative to employment floors for the Indian Health Service. In light of the Vice President's reinventing Government proposals, particularly with respect to the size of the Federal work force, this language is proposed for deletion. This will allow us to discuss this issue further in conference. While the language is stricken, and the committee is willing to work with the administration, it is also important that the administration recognize that when dollars are provided for program operations, the necessary personnel resources must be made available to carry out the program. This is particularly true in a program such as that of the Indian Health Service, where the dollars are provided for the delivery of health care services. These funds are not intended to produce more bureaucrats, rather, they are provided for doctors, nurses, x ray technicians, and other medical professionals.

The amendment on behalf of Senator STEVENS prohibits the use of funds to implement the Bureau of Land Management/Forest Service comprehensive strategy for Pacific salmon and steelhead habitat [Pacfish] in the Tongass National Forest. Specific directions relative to the protection of watersheds, streams, and associated fish habitat were included in the Tongass Timber Reform Act, and the amendment is intended to allow for those provisions to be continued. Efforts to impose stricter standards than legislated in the Tongass Timber Reform Act should be subjected to the same legislative review as was applied to those currently in law.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments considered and agreed to en bloc are as follows:

AMENDMENT NO. 895

At the end of title III, insert:

SEC. 17 FOREST SERVICE SEPARATION PAY.

(a) In order to avoid or minimize the need for involuntary separations, effective for the period beginning upon the date of enactment of this Act through and including September 30, 1994, the Secretary of Agriculture, under such regulations and subject to such conditions as the Secretary of Agriculture may prescribe, shall have authority to offer separation pay to employees of the Forest Service to the same extent the Secretary of Defense is authorized to offer separation pay to employees of a defense agency in section 5597 of title 5, United States Code.

(b) In the event that an authority is enacted to offer separation pay or a voluntary separation incentive similar to such section 5597 of title 5, United States Code, but applicable to employees in the executive branch generally, the authority under subsection (a) shall terminate.

(c) Such payments may be made to employees who agree, during a continuous 90 day period designated by the agency head, beginning no earlier than the date of enactment of this Act and ending no later than September 30, 1994, to separate from service with the agency, whether by retirement or resignation.

(d) An employee who has received a voluntary separation incentive under this section and accepts employment with the Government of the United States within 2 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive to the agency that paid the incentive.

(e) Total outlays by the Forest Service pursuant to the cooperative work trust funds accounts (12-8028-0-7-302) shall not exceed $279,668,000 in FY 1994.

AMENDMENT NO. 896

On p. 10, line 4, before the period, insert the following; ": *Provided further*, That within funds provided $100,000 shall be made available to the U.S. Fish and Wildlife Service for the purpose of compiling and maintaining a database consisting of big game and small game population levels and hunter harvests in, and adjacent to, areas under consideration for wolf reintroduction: Provided further, That such study shall consist of data obtained from state game and fish agencies and federal agencies with jurisdiction for wildlife management in these areas: Provided further, That such database shall include measured and estimated population levels of game species covering a period ten years prior to the date of enactment: Provided further, That such database shall be updated on a yearly basis after the date of enactment".

Mr. SIMPSON. Mr. President, I rise today to offer an amendment that I believe will ensure that if wolves are ever introduced in the Rocky Mountain States we will have good scientific information available in order to make objective decisions about their management. Wolf reintroduction is not yet a certainty, but the EIS process is moving forward. We need to be prepared for the future.

Prior to the August recess, my friend Senator STEVENS delivered a very fine statement about the problems Alaskans are having with regard to wolf control. We know from scientific studies in Alaska and Canada that wolves can significantly reduce game populations, especially when predation is coupled with a hard winter. Most believe that wolves have not existed in the Yellowstone ecosystem for many decades. If wolf reintroduction does occur, the current natural balance probably will be turned right on its ear. After hearing Senator STEVENS' remarks, I feel we can learn from the experience in Alaska and begin to prepare for a worst case scenario. If reintroduction does take place, we must be prepared to properly manage these large predators. We must begin gathering data now so that professional wildlife managers will have the information available which they will need in order to make objective management decisions in the future.

Wolf packs are very efficient at discovering how to kill the most vulnerable prey species. In Wyoming when the snow gets deep—moose, big horn sheep, elk, deer, and other prey animals become easy targets for wolves. The fact is that we do not have large populations of moose or big horn sheep, and the other big game prey species are currently carefully regulated by hunting. The addition of a new predator will likely mean that significant ecological changes will be observed.

We could be creating serious problems with regard to other wildlife species if we do reintroduce wolves. Those who favor reintroduction like to say that we have too many elk in Yellowstone Park and that big game populations will not be affected by the introduction of a new predator into the ecosystem. But we know how many animals wolves kill in an average year. If wolves are reintroduced and they thrive, the increased numbers of wolves will mean increased wildlife mortality. Of course, some wolf supporters argue that we can offset that predator caused mortality by reducing hunter harvests. However, I would note that this type of compensating action could have severe economic consequences in my neck of the woods. Further, that would erode most public support for the Endangered Species Act.

We also have the studies in Canada and Alaska that detail a most curious wolf behavior—surplus killing. There have been cases where a pack of wolves have hit a caribou herd and killed dozens of calf and young adult caribou in a very short period of time as if a killing frenzy. These wolves have killed many more animals than they could ever hope to consume. The surplus animals are just left to rot on the tundra. It is not difficult to imagine a pack of wolves following the migration of elk out of Yellowstone Park down to the winter feeding grounds near Jackson Hole and then wreaking havoc on a herd that is concentrated in a small area.

If we are going to be able to deal effectively with a large and rather efficient predator like the wolf, we are going to need to know what current and past game population levels and hunter harvest levels have been without the wolf being worked into the equation. Then if they ever become a factor, the professional wildlife managers at the State and Federal levels will have the data necessary to determine what effect wolf predation is actually having on a given game population, and what steps may be necessary to compensate for any deleterious effects caused by excessive predation or surplus killing.

My amendment would provide funding for, and direct the U.S. Fish and Wildlife Service to compile a data base using existing population and hunter harvest information, as well as future information that will be valuable in determining game population trends with and without wolf predation being a factor. This is the type of information that is so necessary for sound, scientific wildlife management. The data base would be updated and evaluated on a yearly basis so that in the event wolves are reintroduced we can stay closely on top of the situation in order to ensure a thoughtful and sensible result. I believe this is a noncontroversial amendment that is based on common sense. I would ask unanimous consent to add Senators WALLOP and BURNS as cosponsors of the amendment and I would urge the adoption of the amendment.

AMENDMENT NO. 897

On page 78, line 6 strike beginning with the ":" through "Appropriations" on page 78, line 12.

AMENDMENT NO. 898

"Sec. . None of the funds provided in this Act may be used to study or implement the Bureau of Land Management/United States Forest Service comprehensive strategy for Pacific salmon and steelhead habitat ("PACFISH") in the Tongass National Forest.".

The amendments (Nos. 895–898) were agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent the motion to reconsider en bloc be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

AMENDMENT NO. 894

The ACTING PRESIDENT pro tempore. The question recurs on the Burns amendment No. 894.

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

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, the pending amendment is an amendment offered by Senator BURNS. It is a very short amendment. It says:

That funds included in the section entitled as Special Park Increases of the National Park Service budget for two natural resource management full-time equivalent employees dealing with the reintroduction of the wolf, shall be instead used for improvement of the physical infrastructure of Yellowstone National Park.

Mr. President, I think it is a very simple amendment. I hope that our colleagues would agree to it. I personally do not know of the need to have a rollcall vote on it. So I am hopeful we can agree and dispose of this amendment.

We have also previously disposed of an amendment of Senator SIMPSON dealing with a study of the wolf's reintroduction into Yellowstone to see what impact that has on other wildlife in the region.

I compliment the Senator from Montana for the amendment. I am hopeful our colleagues will agree to that amendment.

I also note that the Senator from North Carolina is here as expected to introduce his amendments dealing with the National Endowment for the Arts.

So I appreciate my colleague from Montana being here early and ready to go with his amendment. I do not think we have final agreement on it yet. My guess is, if the Senator from Montana is willing to do so, we might set it aside so we can consider the amendment of the Senator from North Carolina.

Mr. BURNS. Mr. President, on my amendment, we are trying to work out the final stages of the agreement. I think we are very close to an agreement. But it is going to take a little more time. I would leave the judgment of that in the hands of my ranking member and the chairman, the managers of this bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that we temporarily set aside the amendment of the Senator from Montana so we can consider the amendment of the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Good morning.

Mr. President, last night, I must now confess, I offered an amendment just to get the attention of the Senate. I did not anticipate that it would pass, and I am not surprised that a substantial number of Senators did not vote for it. But they should not be so cavalier about the two amendments I shall call up now.

Last night, as always happens, I heard the wails and the clatters of Senators who said, "Oh, how are we going to support the community choruses out in the smaller counties of America if we do not have the National Endowment for the Arts? Therefore, we cannot do anything to the NEA because the arts are so valuable to the Nation's small towns."

Well, I kind of agree with that, but I also agree with those who contend that the arts flourished for most of the history of this country without a dime's worth of Federal subsidy. But that is not the argument this morning. I wish to emphasize that I hope Senators will remember the arguments from last night on both sides of the aisle—particularly those of the Senator from Massachusetts, who can always be counted on to talk about what is decent and honorable and desirable.

Now, Mr. President, it is my contention that we in this body must get a handle on the National Endowment for the Arts' habit of giving the taxpayers' money to people whose mentality convinces me that they are anatomical phenomena. They have their brains in their crotches. They cannot think of anything else. And that is the reason they produce the rotten stuff that I have exhibited on this floor year after year.

Senators say, "Well, I am not in favor of that. No. No. I am in favor of the symphonies out in the boondocks, the choruses, and the Nation's young people," et cetera, et cetera, et cetera.

OK, they have a deal.

One of the Senators came up to me last night. She said, "I am sorry I could not vote for the amendment."

I said, "Well, why don't you help me accomplish what I have been trying to do for 4 or 5 years—which is to cut out the funding of the people who produce this rotten, vulgar, nauseating garbage."

As I pointed out last night, one guy got $20,000 for sawing a cadaver's head into two parts, and placing the two parts together, so that they faced each other to produce the illusion that the man was kissing himself. Then, in another photo, the same guy scooped out

the brains of another cadaver, cut off the head, and stuck flowers in it. He received $20,000 for that sort of thing from the Federal Government. No; not from the Federal Government, from the pockets of the American taxpayer.

Now, Mr. President, the two amendments I intend to offer today are for real. I shall call up the first one momentarily, but let me have a few moments for prefacing remarks.

Mr. President, I regret that I have never met Jane Alexander whom the President has nominated, as I understand it, to become Chairman of the National Endowment for the Arts. But like many other Senators, I admire this lady as a talented and sensitive actress. And unless I learn something about her that I do not now know, it is my intent to support her nomination when it comes up in the Senate. I confess that Dot Helms and I may to a certain degree have become initially attracted to Ms. Jane Alexander because Dot and I chose, years ago, to name our first daughter Jane Alexander Helms—using Dot's middle name and my middle name.

In any event, part of my motivation in offering the amendment which I shall send to the desk presently is to give the incoming NEA Chairman, Jane Alexander, at least a year or so in which she can concentrate on upgrading the quality of art that the American taxpayers are forced to subsidize.

I do not feel that she should be put in the position of having to try to referee the heated public dialog about how some of the NEA's funds have been and are being spent on repugnant art and so-called artists.

So, as the text of the amendment will indicate when the clerk reads it in full, Senators will be given the opportunity to take a stand on the question of restoring the National Endowment for the Arts to its originally intended purposes—the support of mainstream, broad-based arts groups, not individuals, on the national and community levels. For at least a year or so, there will be no more of this sorry business of throwing the taxpayers' money into the hands of individuals on the radical fringe—and that is being charitable—who have so offended and outraged the American people.

To be more precise, the amendment which I shall send to the desk presently will help restore the focus of the National Endowment for the Arts to mainstream institutions of arts and culture, such as symphonies, orchestras, operas, and other nonprofit groups that enjoy a reasonable measure of support and respect from the local communities in which they operate.

Senators have said, time and time again, including the Senator from Massachusetts, "Oh, we cannot harm these local groups. We must encourage their talents."

I agree that most local art groups serve a good purpose, but I do not want to encourage the kind of garbage that I was compelled to exhibit here last night—when I showed what just one sorry character's work was and how he received $20,000 from the NEA for doing it.

Mr. President, I think former Acting Chairman Anne-Imelda Radice said it right in her letter in which she apologized for the NEA having funded Joel-Peter Witken during her watch. She said that there should be no more of the NEA's "buying time," as she put it, "types of awards" to individuals. And there will not be if this next amendment is approved by the Senate. I deeply and fervently wish that Anne-Imelda Radice had been invited to testify before the relevant committee on this issue.

Mr. President, as I said before, the argument always heard on the continued existence of the National Endowment for the Arts, almost without exception—as we heard from Senator after Senator over and over again last night—always refers to symphonies, orchestras, operas, and other mainstream types of art. Of course, that is because most Americans support these manifestations of true art.

But these are the very institutions that have been struggling financially while the National Endowment for the Arts has been giving untold thousands upon thousands of dollars to people who mutilate corpses in the name of art; or who hand out $10 bills to illegal immigrants at the Mexican border, $10 bills that they got from the National Endowment for the Arts; or to individuals who promote vulgar, rotten, homosexual film festivals, or commit acts calculated to outrage the sensibilities of decent Americans who are required to put up the money to reward such garbage.

AMENDMENT NO. 899

(Purpose: To provide that funds from the National Endowment for the Arts shall be used only to give grants and financial assistance to nonprofit groups and not to individuals)

Mr. HELMS. Mr. President, I am going to pause long enough to send the amendment to the desk. It is unprinted. I ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 899.

The amendment is as follows:

At the end of the amendment add the following new section:

"SEC. . Notwithstanding any other provision of this Act, eligibility for the funds made available to the National Endowment for the Arts under this Act, with the exception of grants-in-aid to the states, shall be limited to not-for-profit institutions, organizations, associations, and societies.".

Mr. HELMS. Mr. President, that amendment, I think as the lawyers say, is res ipsa loquitur, "it speaks for itself." But while the NEA has been throwing away the taxpayers' money on bullwhips inserted into the posteriors of homosexuals to be photographed and the other outrageous pictures submitted to NEA in the name of art, while the NEA has been using tax funds to reward people with perverted minds, who have put crucifixes in jars of urine, while the NEA has been rewarding so-called self-styled, self-proclaimed artists who mutilate dead bodies, the symphony orchestras, choral groups, and other groups supporting young people in this country have been denied funding because there is not enough left after NEA has taken care of these strange, strange artists.

The Wolf Organization of Cambridge, MA, after studying 254 orchestras across America for the past 20 years, found that the orchestras are facing "a financial crisis of unprecedented proportions." The annual deficits of the orchestras studied soared from $2.8 million in 1971 to $7 million in 1991. Operating expenses rose from $87.5 to $207 million over the same period.

Meanwhile, from 1985 to 1993, taxpayer funding for symphonies declined by 4 percent in the face of the rising operating costs. So no wonder they are running a deficit.

Mr. President, the orchestras and other groups are in dire straits as is so mournfully discussed on this Senate floor every time there is a proposal to shut off the money to the perverted minds to produce the kind of garbage exhibited here last night. Oh, Senator after Senator gets up and says: We just cannot do this or that to the NEA because the orchestras and the choral groups and the young people need the money.

What I am saying to my friend from West Virginia, is that I agree; let us cut it off for the perverted minds and give it to the kinds of people and organizations that the Senators always bring up. They never mention a mumbling word about what the issue is. They say: "Well, you know, when you have art, there is going to be some art that offends you."

You better believe that is a fact. I was offended by the crucifix in the urine; I was offended by Mapplethorpe taking a bullwhip and inserting it—you know where—and then taking a picture of it and sending it into NEA and getting an award for that kind of trash. But, I am not going to be offended if you cut off the money to minds like that and give it to the symphonies and the other groups that are always mentioned on this floor every time this issue comes up.

You can count on it. I expect that in the debate today, a certain Senator will get up and say: "All art is going to offend somebody sometime." No, it will

not. I have never heard a symphony orchestra that offended anybody. I played in some symphonies myself. They almost closed shop because I was in there and fouling up the music. But, there was no Federal subsidy for musical groups like that when I came along. But that is another story.

Let me provide a few arithmetical details, Mr. President. While the symphonies and other mainstream art institutions in this country have been struggling financially, the National Endowment for the Arts spent $8,168,000 in 1992 alone to give 381 individuals NEA fellowship awards. I think, the majority of Americans are fed up with such NEA grants which are ostensibly given to individuals so that they can take time off to "create," but which in reality have next to no oversight concerning how an individual recipient actually spends the money.

Last night, I read into the RECORD a letter sent to me by the Honorable Anne-Imelda Radice, who is former acting head of the National Endowment for the Arts. She apologized to the American people, because one of the grants involving the mutilated heads of corpses got by her because there was no way for her—as the Chairman—to understand everything going on at the NEA.

I ask unanimous consent, Mr. President, to have the entire text of the letter written by Anne Radice printed in the RECORD.

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

AUGUST 3, 1993.

Senator JESSE A. HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: I have just received information that one of the photographic fellowship applications I approved last September was awarded to an individual whose work appears to use shock quality of prurient subjects as a primary virtue. The April 1993 issue of Vanity Fair features some of this man's work.

It is embarrassing to admit that this occurred on my watch. However, it is more distressing to note that this particular award was for one year so that I would not have known what the photographer would have done with the award until after the fact. (Fellowships for two years require interim reports.)

You are probably also aware that when fellowships are presented as a category to the Council and the Chairman, they are done so in list form which emphasizes geographic region. Some fellowships are given directly. Others are through a sub grant system. I have to admit I do not remember this specific application but do not offer that as an excuse.

This, of course, only points to the difficulties which the Agency will continue to experience with these buy time types of awards. There is really little protection for the taxpayer. Unless the Chairman can be everywhere and know everything, it is impossible to guarantee that such an unfortunate situation cannot reoccur.

Let us hope that the new Chairman will be able to better channel the funds available to arts activities that reach the widest audience possible.

I wanted to write you as soon as possible about this situation. The Arts Endowment has wonderful programs geared for community activities, world class operas, symphonies, arts education, film preservation, just to name a few. Let us hope that the new Chairman will emphasize those worthwhile national activities.

With best wishes,

ANNE-IMELDA M. RADICE, Ph.D.,
Former Acting Chairman,
National Endowment for the Arts.

Mr. HELMS. Mr. President, I hope that in the days to come, the Senators who vote against this amendment will take a look at this letter and see what a lady who was on the firing line says about the process that the National Endowment for the Arts goes through.

Now, back to the NEA giving Joel-Peter Witken his $20,000 award for his cadaver art—you remember the photo of the head sawed in two, and the other photo where the top of a head was sawed off, scooped out, and flowers were stuck in. Oh, that is art. It just makes me cry to think about the fact that I do not even have a cadaver head in my house. I daresay that nobody else in this Chamber or anybody watching on television has one, either, or would not presume to have one.

But Joel-Peter Witken got $20,000 of taxpayer money, while the New Orleans Symphony had to close up shop because it owed $29,000 to its players' pension fund and was thousands of dollars more in debt.

Would it not have been better not to have given Mr. Joel-Peter Witken that $20,000, and sent it down to New Orleans instead? And that is what this amendment proposes to do in the future.

Mr. President, to survive financially, many institutions of culture have discovered that their futures lie—as does the future of this Nation—with America's children. I certainly agree with that. I have seven grandchildren, and every time I look at them, I think of that.

Time magazine cited an example which is very interesting.

Time magazine said:

In bad times, the smaller orchestras usually suffer most. A happy exception is the Cedar Rapids Symphony.

In Iowa, of course.

On the theory that education is the key to future growth, the orchestra has targeted many of its activities toward children. With a high caliber of performances and an impressive array of outreach programs that include free violin lessons for every third-grade public-school student. * * * In its 72nd season, the orchestra has generated an $18,000 operating surplus.

In the name of the Lord, Mr. President, is that not the originally intended role of the National Endowment for the Arts—to help that orchestra and others like it? In order to focus NEA funding on such organizations with broad public support, the pending Helms amendment now at the desk provides that grants be provided only to nonprofit groups, not the likes of Mr. Joel-Peter Witken.

If I may refresh your memory, Mr. President, the photo on the easel is the cadaver head that Joel-Peter Witken sawed in two—down through the nose—and put the two pieces together as if one man is kissing himself. Boy, that is a $20,000 piece of art if I ever saw one.

And here, Mr. President, if the camera can focus in on it, is the photograph of the poor guy who had the top of his head cut off when he died. Mr. Witken scooped out his brains, stuck the flowers inside the head, and then was able to use the photograph to help him win a $20,000 award from the taxpayers.

Baloney.

I am saying, again, that in order to focus the NEA funding on worthwhile organizations with broad public support, the pending amendment provides that grants be provided only to nonprofit groups. There is nothing novel about this provision. It is modeled after an NEA statute, section 956(a), which is used to fund a special support program for "artistic and cultural programs in the Nation's Capital under the direction of the Commission of Fine Arts."

I read all of that because that is a direct quote. Eligibility for that program is limited to nonprofit institutions, which is precisely what my amendment does.

Mr. President, if you will bear with me for just a minute, the limitation that I just referred to helps guarantee that the $7.5 million authorized for the National Capital Program each year goes only to support the major art institutions in Washington, DC—such as the Folger Theater, the Corcoran Gallery of Art, the Phillips Gallery, the Arena Stage, the National Building Museum, the National Capital Children's Museum, and the National Symphony Orchestra, and I might add it is still here.

The pending amendment would similarly focus taxpayer funding on well-recognized and established arts groups instead of dissipating millions of dollars by giving grants to hundreds of individuals, many of whom are already wealthy.

The bottom line is that this amendment will return the NEA to the purposes for which it was founded in good faith by good people: To support mainstream, broad-based national and community arts institutions which are nonprofit, the very type of groups the NEA spokesmen and supporters always cite—just as they did last night—when they are trying to win Congress' support and the public's support. They cite the operas, and they cite the symphonies, and they cite arts education. But they never mention, as I said earlier, the disgusting work, if you want

to call it that, of individuals who have been frequent recipients of the NEA's generosity.

I would note, Mr. President, that nobody connected with the NEA has ever given away his or her own money. They are giving away the money of the American taxpayers, and that is why I am standing here this morning.

When the NEA was first proposed in 1965, its original sponsors never mentioned using taxpayers' funds to support a health insurance program for artists, or for housing for them so they could sit back and cut cadavers' heads apart and be creative. Nobody contemplated that the taxpayers would be required to provide legal services for these so-called artists. There certainly was no mention of funding militant politics masquerading as art, nor was there one syllable of discussion of experimental art, let alone being constitutionally compelled to make the American taxpayers provide the money to fund obscenity, to that rotten so-called performance art that so offends the majority of taxpayers.

Go back, as I have, I ask Senators, and see if I am not right about that.

No; the original supporters of the NEA never contemplated funding bullwhips inserted into you-know-where, to be photographed and turned in to the NEA, or crucifixes in urine, or strip shows, or mutilations of corpses in the name of art. And there was no anticipation of having to settle lawsuits whenever the NEA denied grants to artists who so arrogantly abused the public trust.

What the NEA's creators did advocate in 1965, what they did talk about, was providing financial support to institutions which were repositories for the highest cultural achievements of Western, Asian, Middle Eastern, and other cultures. They talked about educating our children. They talked about providing access to the arts for those who were then so difficult to reach—mentally, physically, and geographically.

Now, that is what was contemplated when the NEA was established. If anyone doubts my words, let them go back, as I have, and read the record.

No, Mr. President, the NEA's creators talked about and advocated the best traditions in the arts—beauty and creativity and craft and truth. And that is what the pending amendment attempts to restore.

The Endowment, when the Senate and the Congress approve this amendment, if the Senate and the Congress do approve it, the Endowment and the NEA will be obliged to use its funds responsibly and there will not be any railroading around of the Chairman, as was the case with Anne Radice when she was the acting director at the NEA.

Mr. President, I ask unanimous consent that an article published by Time magazine in its July 12 issue, entitled "Is the Symphony Orchestra Dying?", be printed in the RECORD.

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

IS THE SYMPHONY ORCHESTRA DYING?

(By Michael Walsh)

Buffeted by spiraling costs and falling ticket sales, frustrated by shifting urban demographics and paralyzed by a lack of innovative artistic vision, the nation's 1,600 symphonies today face the greatest challenge ever to their existence.

Long considered indispensable indicators of a community's sophistication, orchestras are in danger of becoming cultural dinosaurs. Some are already extinct: within the past decade, major ensembles have collapsed in cities as disparate as Oakland, California; New Orleans; Denver and Birmingham, Alabama. Endowments have been tapped and seasons shortened; crowd-pleasing pops concerts have been added and community-outreach programs established. And yet the slide continues. Gathering last month in New York City for their gloomiest convention in years, the members of the American Symphony Orchestra League heard a stark message: Change or die.

The numbers are grim. Last year, in the most detailed study of the problem to date, the Wolf Organization of Cambridge, Massachusetts, analyzed data from a 20-year period and declared that the orchestral industry is facing a financial crisis of unprecedented proportions. Deficits of the 254 major orchestras the report traced have soared from $2.8 million in 1971 to $7 million in 1991, while operating expenses rose from $87.5 million to $207 million in the same period.

Although ticket prices have increased substantially, they have not kept pace with operating costs; the average gap between earned income and the cost of making music has risen from $5 per listener in 1971 to $26.17. Further, government support, after rising in the '70s and early '80s, has trailed off, falling more than 4% in the past seven years. "Everybody is hurting," says Joseph Kluger, president of the Philadelphia Orchestra, whose subscriber base has fallen the past two years.

That the American orchestras should find themselves scrambling for survival is ironic, for they are without a doubt the best in the world. The U.S. can boast at least two dozen ensembles that are better than all but a handful of European orchestras. Foreign conductors routinely rave about the quality of the American orchestral musician and applaud the high level of professional music education in the U.S. "In Europe we always have had the impression that the teaching in America is stronger and more serious," says conductor Wolfgang Sawallisch, who takes the helm in Philadelphia next season.

Further, American symphonic culture is not some recent import but a populist movement whose roots stretch back to the mid-19th century: the New York Philharmonic, the nation's oldest, was founded the same year, 1842, as the Vienna Philharmonic. Many of the major U.S. ensembles are more than 100 years old.

The three principal causes of the orchestras' current woes are financial, artistic and social. All have been visible for years, and are gathering steam. But it was not until the recession struck in force that their cumulative weight was felt.

The first and most obvious problem has to do with money. Unlike the newly fashionable lean and mean corporations, symphonic ensembles cannot readily strip down. It takes the same number of musicians—about 100—to play a Strauss tone poem today as it did a century ago, and a major Beethoven symphony still requires almost an hour to perform. Orchestras raise funds through ticket sales (about 35% of their income), government funding and private donations, but income is hard pressed to keep up with expenditures even when an orchestra is performing to near capacity houses.

New Orleans, which folded in 1991, is a case in point. Even with a relatively small $3.8 million annual budget, the orchestra had been struggling for years. Cutting back the season, from 40 weeks in 1980 to 23 weeks in 1990, didn't help. The symphony's demise left it owing $75,000 in back insurance premiums, $29,000 in pension contributions and nearly $100,000 in conductor Dmitri Shostakovich's salary.

The San Diego Symphony was luckier. In 1985 its accumulated deficit was $2 million, and a bitter labor dispute closed the doors of Copley Symphony Hall for the entire 1986–87 season. A management change, coupled with more pops-oriented programming, produced several seasons of balanced budgets. But in the teeth of the recession, a million dollars had to be slashed from the orchestra's $7.7 million budget, accomplished by staff cuts and 7% decrease in players's salaries. Says symphony president Warren Kessler. "The musicians made the concessions we needed to operate."

Changing demographics have also hit orchestras hard. As bastions of Dead White male supremacy, they are, to some critics, politically incorrect targets whose Eurocentric offerings are out of harmony with the larger, more black- and Hispanic-influenced American culture. As the urban cores have changed color, downtown-based orchestras have had an increasingly difficult time persuading affluent suburbanites to come into town after dark. And the collapse of music education in the country's public schools has meant that orchestras can no longer take for granted a constantly replenished, educated audience.

In response, orchestras are busy innovating. The New York Philharmonic, invigorated under the new leadership of managing director Deborah Borda and conductor Kurt Masur, recently instituted a series of informal Rush Hour Concerts, which begin at 6:45 p.m. and feature off-the-cuff commentary from the podium before each piece. The New York musicians also open up the stage to local schoolchildren, encouraging them to try out the instruments, as do players in Baltimore and elsewhere. "It is wonderful to interact with the kids and to see my colleagues do something from the heart," says Baltimore flutist Mark Sparks, the main force behind his orchestra's program. And if minority audiences will not come to the symphony, the symphony will go to them. The Los Angeles Philharmonic offers free concerts in innercity neighborhoods and, in the wake of the 1992 riots, gave a special free performance at a black church in South Central L.A.

The Dallas Symphony is widely admired as a model orchestra for its fiscal health and user-friendliness. When retirees George and Gwen Beardsley appeared at the Morton H. Meyerson Symphony Center to inquire about season tickets one Sunday morning six years ago, marketing director Douglas Kinzey himself was there to persuade them to sign on; returning to their car, they found the garage had closed, so Kinzey drove the elderly couple home. Since then the Beardleys have

been loyal subscribers. "We abandoned the whole concept of selling tickets and started building relationships with our customers instead," explains Kinzey.

Perhaps the most serious problem, however, is artistic. Concert programs have changed relatively little in a century, and not at all in the past 30 or 40 years. New works are often presented as a bitter pill to be washed down with familiar symphonic staples. Conductors, meanwhile, too often treat the Central European classical repertoire as a kind of competition course, with each one eager to put his stamp on the Beethoven symphonies or the Stravinsky ballets and thus climb the career ladder. "When I was a student in New York, you could hear orchestras playing diverse repertoires," Leonard Slatkin, music director of the St. Louis Symphony, told the Symphony League convention. "There is now a common repertoire. The overuse of a repertoire results in a malaise and an ennui among your audience."

Another irony is that in the '30s, when the repertoire became codified, prominent conductors like Sergei Koussevitzky in Boston and Leopold Stokowski in Philadelphia were far more adventurous than their contemporary counterparts. Koussevitzky, the Russian-born bassist turned maestro, commissioned and performed dozens of new works by American composers, and Stokowski routinely surprised his audience with major premieres of challenging works, such as Alban Berg's opera Wozzeck. As the recent history of opera in America has shown, there are large untapped audiences hungering for something new. But as long as symphonies insist on treating their customers to the same handful of well-known works—masterpieces though they may be—symphonic music will lack the excitement that attends a new music-theater piece by Philip Glass, John Corigliano or William Bolcom.

Despite all the problems, there are hopeful signs. More than 26 million people attended concerts in 1991, and if season subscriptions are off in many places, single-ticket and short-series sales have gone up. Out of the ashes in Denver and New Orleans have risen new player-managed or partnership ensembles, the Colorado Symphony and the Louisiana Philharmonic. Younger audiences—the norm in Europe, the exception in America—are showing a new discrimination in what they want to hear.

Some years ago, Ernest Fleischmann, the feisty chief of the Los Angeles Philharmonic, proposed a "Community of Musicians," a kind of superorchestra that would provide all of a city's musical needs, from performances of Mahler to string quartets in the schools to playing at weddings and bar mitzvahs. For it is only when the orchestra is seen not as a careerist battleground for carpetbagging conductors but as a vital part of the community, bringing music to a wide and diverse public, that its survival will be assured.

"The measure of the future will be, How can we respond to this changing society and time that we are in?" observes the New York Philharmonic's Borda. "Those who haven't got the vision and the courage to make some of the changes that are going to be needed will fall by the wayside. That may not be a bad thing." In short some may die that others might live. After all, the American orchestra first arose in response to a city's needs. In the end, a solid, productive marriage between ensemble and community may be the soundest innovation of all.

REACHING OUT IN IOWA

In bad times, the smaller orchestras usually suffer most. A happy exception is the Cedar Rapids Symphony. In its 72nd season, the orchestra has generated an $18,000 operating surplus, significant corporate sponsorship and enormous goodwill in a relatively small metropolitan area of 170,000. With a high caliber of performances and an impressive array of outreach programs that include free violin lessons for every third-grade public school student, the organization has transcended its amateur origins to become a model for the whole country.

"I know of no other community of this size that supports an orchestra with a budget of $1.3 million," says conductor Christian Tiemeyer, who has led the orchestra since 1982. "The question I faced when I came was, How can we make music a real part of people's lives? And my answer was to serve the art we love, instead of asking it to serve us."

On the theory that education is the key to future growth, the orchestra has targeted many of its activities toward children. The Third-Grade String Enrichment Program began two years ago after the failure of a bond proposition that would have continued music education in the schools. With a corporate grant, the orchestra's string players provide instruction for nearly 1,200 pupils; those who wish to continue can sign up for lessons, which cost $150 annually. Financial aid is available, and no one has ever been turned down.

Older children can attend the Target Youth Concerts series, sponsored by Target Stores Inc. Each concert costs $1.50; last year more than 7,000 students heard the orchestra. Another children's program is the Discovery Concerts for fifth- and sixth-graders; preschoolers, meanwhile, can join Symphony Kids, half-hour learning-by-doing sessions designed to introduce kids to the joys of music. All this in addition to the orchestra's regular adult Masterworks Series of concerts in the restored Paramount Theater downtown, and pops and chamber concerts all over the city.

The pay isn't high—roughly $5,000 a year—but the orchestra has had no trouble filling ranks with local doctors, lawyers and engineers, as well as teachers and students from the nearby University of Iowa. Even the executive director, Kathy Hall, is an Iowa native and former bassoonist. "There's always going to be a segment of society that considers orchestras élitist," says local music critic Dee Ann Rexroat, "but the Cedar Rapids Symphony is working against that image. It's a little slice of local life onstage."

AMENDMENT NO. 900 TO EXCEPTED COMMITTEE AMENDMENT PAGE 97, LINES 1–4

(Purpose: To provide for a more equitable distribution of National Endowment for the Arts funding among the individual States)

Mr. HELMS. Mr. President, I send the second amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 900.

The amendment is as follows:

At the end of the amendment add the following new section:

SEC. . Notwithstanding any other provision of this Act or any other Act, of the funds made available to the National Endowment for the Arts for purposes of section 5(c) of the National Foundation on the Arts and Humanities Act of 1965, as amended, not less than 70 percent shall be for carrying out section 5(g) of the National Foundation on the Arts and Humanities Act of 1965, as amended; provided further, that in making minimum allotments to the states under section 5(g)(3) of the National Foundation on the Arts and Humanities Act of 1965, as amended, the Chairperson shall allot at least $400,000 to each state which has a population of 200,000 or more, according to the latest decennial census, and all funds in excess of such minimum allotments shall be allotted among the states in amounts which bear the same ratio to such excess as the population of each State bears to the population of all states according to the latest decennial census; provided further, the funds made available to carry out section 5(g)(3)(A) of the National Foundation on the Arts and Humanities Act of 1965, as amended, for state and regional arts groups shall not exceed $9,682,475.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HELMS. Mr. President, I presume that my assumption is correct that both of these amendments would address an excepted amendment in the bill. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HELMS. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS. I did not know there were others.

The ACTING PRESIDENT pro tempore. Under the agreement the time on this amendment will not exceed 100 minutes equally divided.

Mr. HELMS. I thank the Chair.

Mr. President, I do not see Senator BYRD on the floor. I would like to get the yeas and nays on both amendments, if I might. I am going to ask for the yeas for both amendments.

The PRESIDING OFFICER (Mr. KERREY). Is there objection to the request for the yeas and nays en bloc?

Mr. NICKLES. Will the Senator yield?

Does the Senator request the yeas and nays?

Mr. HELMS. It would be approved en bloc, both of them at the same time.

Mr. NICKLES. The Senator wants both of them voted on together?

Mr. HELMS. Yes, I want the Senate to take a stand on both amendments.

Mr. NICKLES. You want rollcalls on each individual amendment?

Mr. HELMS. You bet.

Mr. NICKLES. I wanted to make sure I was clear on that. The Senator is asking for the yeas and nays on both amendments?

Mr. HELMS. Yes.

Mr. NICKLES. I have no objection.

Mr. HELMS. I am sorry I confused the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are ordered, the Chair clarifies, on both amendments.

Mr. HELMS. Very well. Mr. President, let me make my remarks about the second amendment and then I will yield the floor.

AMENDMENT NO. 900

Mr. HELMS. This amendment will solve a lot of problems that have bothered countless Americans regarding the National Endowment for the Arts. This amendment proposes that henceforth there will be $59,800,000 more in direct NEA block grants to the States than provided by the underlying bill as it is now written.

The purpose of this second amendment is obvious. It is to provide a more equitable distribution of National Endowment for the Arts funding among the States. And we are going to give Senators a little slip indicating how this will affect the awards of NEA funds to their respective States.

Mr. President, even for the States that may receive somewhat less grant money, this amendment will allow the arts leadership in the individual States—let me emphasize that—the arts leadership in the States, all 50 of them, instead of those elitist experts down at the NEA, it will let the people in the States determine which artists and which arts programs in their respective States deserve arts grants.

If there ever was a reasonable proposition, it seems to me that this is it. As I said, the amendment accomplishes this by shifting more of the NEA's funds directly to the arts councils of the individual States. The funding decisions will no longer be made in Washington, DC by a bunch of people who sit around and think that photographs—such as the one on the easel—are such fine, creative art.

The amendment will permit local and State cultures to prevail. And I hope Senators will ponder that statement. It is opposed to the controversial and often disgusting national culture that the NEA is currently imposing on the States from Washington, from the State of New York, from Los Angeles, from San Francisco, et cetera, et cetera, et cetera—as the King of Siam said in the famous Broadway musical.

In other words, Mr. President, the States will be promoting and offering support to the artists whom they have approved—and not artists approved by the elitists in Washington, DC.

I should mention that when I first offered this amendment in the fall of 1991, the only criticism I received from the various State arts councils—and that was just from three or four—was that they did not want to lose the prestige of receiving national level grants. Unfortunately, what those arts councils and most Members of Congress do not realize is that the percentage of NEA funding that goes to the States in block grants is not the 27.5 percent we have been led to believe, but is less than 18 percent, as a result of a few funding quirks built into the NEA's statutes.

First off, the 27.5 figure for the States the NEA's defenders want to point to in the statutes as they now stand is applied only to the NEA's program account, which is less than 80 percent of the NEA's total budget in fiscal year 1994.

Second, up to 25 percent of what is actually set aside for block grants to the States can be redirected instead to fund regional arts councils. And all this has been done and everybody thought it was hunky-dory because nobody looked into it.

Now the Senate may defeat this amendment, but the Senate will be defeating an amendment whose time will come sooner or later, because the States are going to get wind of how they are being shortchanged. And I am going to help them get that wind.

Put simply, Mr. President, the States are given only a sliver of the NEA's budget, and then some of what they do receive is then taken away and given to regional arts groups, not the State arts organizations. This inequity needs to be corrected and the pending amendment, the second Helms amendment, will correct it by requiring that more than 52 percent of the NEA's total 1994 budget be set aside for basic grants to the States, compared to the 18 percent that otherwise will be the case if this amendment is not approved.

So, more than half of the NEA's total funding under the pending amendment will be distributed among the States on the basis of population, which insofar as I am concerned is the fairest way to allocate Federal funds.

I have felt obliged to offer this pending amendment because a handful of States and cities receive clearly disproportionate shares of the NEA budget. For example, how is it that just 6 States out of the 50 received almost half, 47 percent to be precise, of the entire NEA budget in 1992? How did that happen? It was no accident—no accident. It was done on purpose. What is even more remarkable, just six cities, San Francisco, New York, Los Angeles, Washington, Chicago, and Minneapolis, received more than 36 percent of the NEA's grant dollars in 1992 according to the NEA's figures.

Some may say that 36 percent is better than the 41 percent of the NEA's grant dollars those six cities got in 1990. New York City alone received almost 25 cents out of every NEA dollar—a quarter out of every dollar—in 1990 and still received almost 20 cents of every dollar the NEA spent last year.

All of this, Mr. President, demonstrates that the NEA is not supporting the arts all across the Nation in an equitable manner. Rather, it is funneling most of the money to the big cities—where it is often used to help impose or promote a liberal, immoral, prohomosexual, and perverse cultural ethic on the rest of the country.

Mr. President, how do a handful of big cities and States get away with this scam? Because the deck is stacked to give these big cities and States control of the NEA's grant making panels. For instance, New York alone fills one quarter to one-third of the seats on most of the NEA's grantmaking panels.

And how does this happen? Because the NEA requires artists from North Carolina to compete with artists in eight other Southern States for a seat on the NEA's funding panels and artists from 10 Western States must also compete with one another, as do artists from 10 Central Plains States.

But California's artists, on the other hand, only have to compete with two sparsely populated States—Alaska and Hawaii—to get a seat at the tables where the grants are handed out. That is California's only competition.

Even worse is that the only competition faced by the artistic gaggle of self-proclaimed, self-anointed experts from New York—who dominate the panels—comes from Puerto Rico and the Virgin Islands.

Mr. President, this is the kind of geographic diversity on the panels that the NEA says ensures fairness on the panels.

Horsefeathers. No one can tell me that this system of handing out grants is fair to all the States. With such bias in the current system, it should not surprise anyone that the NEA's vaunted arts panels wind up giving New York over 20 cents out of every dollar the NEA spends?

Mr. President, such privileged favoritism for New York City, Los Angeles, and San Francisco on the arts panels also explains—at least in part—the never-ending litany of obscene so-called art that the NEA has promoted with the taxpayers' money.

Indeed, ex-NEA Chairman John Frohnmayer indirectly acknowledged such a connection between big city dominance of the arts panels and the ceaseless parade of filth out of the NEA in 1990. When asked how he would enforce Congress' requirement that the NEA take into consideration general standards of decency and respect for the diverse beliefs and values of the American public when approving grant applications, then Chairman Frohnmayer responded that he would enforce standards of decency by—and get this—increasing the geographic and cultural diversity of the Endowment's review panels.

The Chairman's obvious implication was that a lack of diverse viewpoints on the review panels had contributed to the NEA's funding of obscene and indecent projects.

That is perhaps the understatement of the year, Mr. President. Needless to say, I agree that the New York and California bias prevailing on the peer review panels has entrenched artistic standards at the NEA which are totally at odds with mainstream American values. That bias has also helped steer a disproportionate share of NEA funds to applicants whose work openly mocks the values of the majority of Americans forced to foot the bill.

Those artists deliberately mock middle-class American taxpayers because, as Andrew Ferguson put it in an August 1990 National Review article:

> It is one of the primary premises of the art world that a line [separating art from rubbish] doesn't really exist—that it is in fact a kind of cramp in the consciousness of the unenlightened (read that Middle-class American) mind.

That is the reason I am saying—with the pending amendment—let us let the States decide who should get arts grants. Let us give the States a bigger role in the promotion and sponsorship of art in America. The pending amendment would be more effective in controlling both the fairness of funding and standards of decency because the funding decisions would be delegated to the geographically and culturally diverse arts leaders in 50 separate States. Those leaders will also be closer to the people—not isolated up here in Washington where the American people cannot hold them accountable.

Mr. President, I support what may be called high culture—the opera, the symphonies, music, and museums—and that is why my pending amendment leaves the NEA with almost 50 percent of its budget to dispense at the national level. If the NEA uses those funds responsibly, the endowment will continue to be able to support the higher culture which is important to the Nation.

However, if the NEA continues funding—directly or indirectly—the crudeness of Annie Sprinkle, Tongues United, Stop the Church, Robert Mapplethorpe, Queer City, homosexual film festivals, or the mutilations by Joel-Peter Witkin, then the NEA should be aware that Congress can always come back and distribute 100 percent of the NEA's budget directly to the States—or abolish the NEA entirely.

The bottom line, literally, is that the pending amendment would send more than 50 percent of the NEA's budget directly to the individual States, instead of the 18 percent in the underlying bill.

I urge Senators to support the pending amendment for two reasons. First, to ensure that the NEA's funding is more equitably distributed among the States—32 States should get more money under the pending amendment than they do in the underlying bill. Second, to increase the variety of cultural viewpoints responsible for handing out the NEA's funding by moving many of those decisions to the State and local level—where individualism, originality, creativity, and accountability are most abundant.

I think maybe enough has been said at this time. How much time do I have remaining?

The PRESIDING OFFICER. The time has not begun to run. The Chair intends to start the time running at 11:30.

Mr. HELMS. Is it possible for me to yield the floor and preserve the 7 minutes involved?

The PRESIDING OFFICER. If the Senator yields the floor, the floor will be open for other Senators to be recognized.

Mr. HELMS. I understand that but I do not want to lose my 7 minutes.

The PRESIDING OFFICER. Beginning at 11:30 the time allocated to the Senator will begin to run. At that time the Senator will have 30 minutes.

Mr. HELMS. Very well. That was what I was trying to ascertain. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I appreciate this opportunity to address the issues raised by my colleague from North Carolina.

First, I want to point out that, according to the National Endowment for the Arts, the photographs that were displayed last night on the U.S. Senate floor, which were quite offensive to many, were not produced during the period of the artist's NEA fellowship. So I think it is a very important point. The photographs that the Senator from North Carolina referred to continually in his presentation both last night and today, were not produced during the period of the artist's NEA fellowship.

I think it is critical that we defeat these amendments. If I could sum it up, really, into one reason—and I think it is the best reason I can give—it is because we need to give the new leadership at the NEA a chance. We need to give Jane Alexander a chance.

Next week she will be coming up before Senator KENNEDY's committee. It already appears that she is a very popular choice. As a matter of fact, the Senator from North Carolina has just said he plans to support her, which I think is wonderful. So why, at the very moment we are about to turn over the NEA to such an exciting and devoted leader in the arts, would we strap her with two amendments which would inhibit her work?

As we look at the amendment eliminating individual fellowship grants, we should understand that only 5.2 percent of the NEA's funding goes directly to individual artists. And who are these artists? They include arts educators, choreographers, poets, architects, playwrights, artists in residence at schools and community centers, conservators, musicians, painters, composers and sculptors.

The incomes for individuals in these nonprofit art fields are most often too inadequate to let them maintain it as a full-time career, and financial support for them at the national, State, and local levels is limited.

Since 1966 the endowment has helped spur some of the Nation's most cherished works by awarding grants to over 11,000 of these artists, often at a crucial early point in their careers.

Arts Endowment fellows—and this is what the Senator from North Carolina wants to strip from this bill—have won dozens of awards, including 42 Pulitzer Prizes, 47 McArthur "genius awards," 28 National Book Awards, 11 Obie awards in theater, and many other distinctions.

Why would we want to strip such a program from the NEA? We should be proud of this program.

Among the many distinguished artists who have received Endowment support are: choreographer Alvin Ailey, composer Philip Glass, musician Wynton Marsalis, playwright Wendy Wasserstein, who has hits on Broadway now, writer Alice Walker, who wrote "The Color Purple," and designer Frank Gehry.

Frank Gehry started with an NEA grant. Today, he is so famous that he is being commissioned to design buildings not only by our major cities but by France and countries all across this world.

Why would we strip this program? It makes no sense to me.

Last night, we did see some photographs that were quite offensive. As I said before, they were not produced during a period of time when the artist received NEA funding and in that sense they are quite misleading.

But today, I thought I would show an individual artist's work that was funded by the NEA. For her work, bobbin lace, German-American Sister Rosalia Haberl won the NEA 1988 Heritage Award. I think any one of us can look at the intricacy of this and see how beautiful it really is.

The point I am making is for every piece of art that the Senator from North Carolina can show that he does not like, or that might offend—and he is right, it did—I can show you thousands of works that, by any measure, would not be considered controversial. But that misses the point.

I am not an art critic. The Senator from North Carolina is not an art critic. We have our own vision of what art is, and that is why the NEA has peer review panels. We have citizens and art leaders who sit on these peer review panels so we will foster and fund works of artistic excellence.

Will we make mistakes? Yes. But give Jane Alexander a chance to exert her leadership and strengthen this agency. Give her a chance.

I just met with her. She is so excited about the challenges that lie before her.

I believe that the changes that were made in the statute in 1990 increase the agency's accountability and really do the job. It would be very wrong for us to vote for these two amendments just when we are on the brink of experiencing this new, dynamic leadership, just when all are about to pass the torch to a woman who understands how tough the job is, and knows how to get it done. Let us give her a chance, let us defeat these amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend my friend and colleague from California because I do believe she has really effectively made the case and made it very well in response to these two amendments: One, which is really eliminating any of the possibility to provide individual grants. It is a small percentage of the National Endowment for the Arts but an extremely important one. She mentioned some of those who have received the grants at a very early time in their lives, a time when they did not have the kind of recognition which many of them have received.

I think Alvin Ailey, as well as Merce Cunningham, as well as Paul Taylor, all received individual grants in the early parts of their career, all recognized with Kennedy Center honors. It has been universally claimed as being on the cutting edge of some of the most important, creative and inspirational artists that we have in our country.

Alwin Nicholas—the National Medal of the Arts was given to him by President Reagan. Here is President Reagan giving the National Medal of the Arts. Twyla Tharp—I do not know how many people in this body had the chance to see the Twyla Tharp and Baryshnikov performance here in Washington a few months ago. It has traveled the country and widely acclaimed. Here is Baryshnikov, one of the most creative, significant performers, dancers in the world. Twyla Tharp had received an individual grant at an early part of her career.

Those individuals —and I will include many others—the playwrights, visual artists, the filmmakers, and many others, they would have virtually been excluded if the amendment of the Senator had been accepted.

It is interesting in looking through the fellowships and individual artist grants that have even been given in the State of North Carolina: Walker Calhoun, a Cherokee musician, dancer and teacher, teaching in the high schools, received a $10,000 grant;

In 1991, Etta Baker, who is a guitarist and teaches music in many of the North Carolina schools;

Douglas Wallin, an Appalachian ballad singer, Marshall, NC, again, working with musicians and working with gifted students who are interested in ballad singing;

Doc Watson, who is a blind Appalachian guitarist and singer in Deep Gap, NC, has been an inspiration, as I understand it, to many, many young students, particularly students who may have some physical kind of a challenge;

John Dee Holeman who is a dancer-musician in Durham, NC;

Stanley Hicks, an Appalachian storyteller, Vilas, NC, in terms of providing some inspiration to young people, both in storytelling and in writing and poetry.

The list goes on. I will include others who have been able to receive these.

The fact remains, many of those who do receive the grants are basically teachers. That is the only way that they can provide a living for themselves and as individuals eventually receive these grants and go on to being extraordinary leaders in the arts.

Mr. President, as Senator BOXER has pointed out, we have an absolutely extraordinary selection by the President to chair the National Endowment for the Arts in Jane Alexander. We will be having hearings on her nomination in our committee, I believe, on the 22d of this month. We will have an opportunity in that committee process and again when our committee reports that nomination out, to have a debate on that individual.

I think she has been generally acclaimed as being an absolutely extraordinary choice, an absolutely brilliant performer herself, a real inspiration both on and off stage. It seems to me that we ought to give her at least the opportunity to provide leadership for that agency rather than micromanaging that agency prior to the time that she has both the responsibility, the authority and, I believe, the inspirational qualities to really lead that agency.

That agency has been in effect almost 30 years, widely supported as we saw last evening with the extraordinary, overwhelming vote in support of that agency. I think all of us can look at the several kinds of grants that have been granted out of hundreds of thousands of grants that have been given. I think any of us would have looked at a number of those, a handful of those, and made a different judgment and different decision than some of the peer review that was provided.

But, nonetheless, it would be, I think, a very, very serious error and mistake to effectively emasculate that agency prior to Jane Alexander having an opportunity, a chance for leadership. I hope that these amendments will not be accepted.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair will note that all time is now controlled and divided between the Senator from North Carolina and the Senator from West Virginia. The Senator from North Carolina has 30 minutes. The Senator from West Virginia has 24 minutes 52 seconds.

Who yields time?

Mr. PELL. Mr. President, may I speak on the amendment?

The PRESIDING OFFICER. Without objection, the Senator may proceed. Time will be charged to the Senator from West Virginia.

Mr. PELL. I thank the Chair.

Mr. President, I think we ought to look at the background, the basic origins of the Endowment for the Arts and the Humanities. I would like to read into the RECORD at this point two sentences as to the purpose of the endowments. It says:

> The Congress finds and declares the following: One, the arts and humanities belong to all the people of the United States. Second, the encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, are also appropriate matters of concern to the Federal Government.

This shows that for almost 30 years we have had our eye on the ball and steered a pretty straight course between encouragement of nonprofit groups and encouragement of individuals, and I believe it would be a great mistake to change that pattern.

I well remember the thoughts and ideas of the Senator from New York, Mr. Javits, and my thoughts when we laid this legislation down so many years ago. It has lived up to our desires. There have been some errors of judgment made but, in general, it has done a wonderful job, and I think that to knock it out at this time, when it has a new lease on life with an excellent individual being nominated as the chairman, Jane Alexander, would be a fundamental mistake.

I think also that the points of the individuals is very important and an amendment prohibiting support for individuals would eliminate many of the fellowships that have been given in the past, including the American Jazz Masters fellowships, Heritage fellowships for folk artists and the like.

We should bear in mind, too, that the individual artist or music professional is as central to the arts as the scholar to the humanities and scientists to science. Other agencies of Government fund individuals. So should the NEA. That is why artist support is very important. I know over the years, in talking with various chairmen of the endowments, I have advocated the idea of a certificate being given to people who get individual scholarships, and anything that can be done to build up the individual scholarships and the prestige of getting such an award should be encouraged.

I think also that we should bear in mind, while it is often breached, we should not attempt to legislate on an appropriations bill.

For the moment, I will desist. I thank the Chair.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Who yields time?

Mr. METZENBAUM. Mr. President, as I understand it, time is controlled by the Senator from West Virginia; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. METZENBAUM. Mr. President, on his behalf, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Ohio is yielded 10 minutes on the time of the Senator from West Virginia.

Mr. METZENBAUM. Mr. President, I never fail to be amazed by the noisy and never-ending war waged by the conservative right against one of the tiniest agencies in the Federal Government: The National Endowment for the Arts. By my count, this is the 10th time in 4 years in which the Senate is being forced to debate the general worthiness of the arts endowment, an agency that over the past 28 years has brought art, dance, theater, opera, symphony and so much more to every community in this country.

What is truly bizarre is the sheer volume of aspersions cast against the National Endowment and the artists it supports here on the Senate floor and elsewhere against an agency that does so much good yet costs so little.

The entire Arts Endowment budget is less than half of what we will spend next year to repair the broken down, obsolete B–1 bomber. We spend more money on military bands each year than we spend on the entire arts and endowment, which is the only Government agency that supports the entire spectrum of art disciplines.

It is a fact that over the course of the past 4 years, we have bent over backward to address the concerns of conservatives who dislike Government support for the arts.

We have attempted to accommodate them. But that is an impossible task. They have no intention of being accommodated. They will never be satisfied until the NEA is abolished. It is because the NEA serves their raw political requirement. They need the NEA to keep themselves in business, just like the whip master needs his whipping boy.

It is a fact that they—and I am talking about groups like the Christian Action Network and the aptly named American Family Association—exist for one purpose and one purpose only, to conduct misleading and mean-spirited attacks on people and institutions that do not comport with their narrow view of American cultural life. What they do not like they call vulgar, rotten, and sick. They really have no interest in presenting constructive solutions. Their aim is to divide and to intimidate, and their whipping boy is the National Endowment for the Arts. The cynicism is thick, even by Washington standards.

But I am not here to talk about bad news, Mr. President. I am here to talk about the National Endowment for the Arts and everything that is good about it. It is an agency with a record of unparalleled achievement. Each year for 28 years it has brought great works of art, dance, theater, opera, and other forms of artistic expression to people in small towns and rural America.

Funding provided through Endowment grants has connected art to the people of this country. Endowment grants have permitted symphony, theater, and dance companies to leave their big city stages and take their works to Americans everywhere. Most people are not aware of that, Mr. President. They are not aware of the fact that the Endowment helps pay for 10,000 artists in residence in more than 11,000 communities in every State of this country.

What would happen to them if this amendment were to be adopted?

They do not know that when their elementary school children take art classes, they learn from teachers and artists supported by the Endowment. Last year, the NEA gave a literature grant to the United Black Artists in Detroit to bring successful artists to the inner city, to read their poetry and conduct writing workshops with children in Detroit. It was a wonderful program for those kids.

And last year, the Utah Opera Company received a grant to support creation of a young artists program to train young singers and to develop a program in which young people perform one-act operas. What a fantastic idea and what a great achievement for the Utah Opera Company.

It was an NEA grant that helped support a tour of the Southern States by the New York City-based Alvin Ailey American Dance Theater. Before he died a few years ago, Alvin Ailey was the foremost African-American choreographer working in the live arts. I will wager that folks in Greenville, SC, and Opelika, AL, as well as other towns across the South, were appreciative of the opportunity to see the Alvin Ailey troupe on their hometown stages.

Last year, the NEA arts program gave a grant to a group in Whitesburg, KY, an Appalachian community, to set up a regional program to teach high school students and their teachers about film, radio, and television production and programming.

In my own State of Ohio, NEA supported scores of projects: The American Repertory Theater of Cincinnati, the Cleveland Playhouse, the Fairmont Theater of the Deaf, the new Cleveland Opera Company, City Folk of Dayton, and museums in Cleveland, Columbus, and Cincinnati. I could go on with references to every State in the Union.

Last year, the Arts Endowment awarded 4,300 grants in communities throughout the Nation.

Are we to put a halt to that, or to somehow hope that the State organizations are going to do that which has to be done? Some of them are staffed to do it and some are not.

Perhaps I should point out for the benefit of my colleague from North Carolina that many worthy projects were funded in his State as well: The North Carolina Arts Council received $25,000; the North Carolina Repertory Company received $7,500 to help support its production season; $9,500 went to support the Eastern Music Festival in Greensboro; $16,555 went to the Winston-Salem Symphony Orchestra; $66,000 went to support the North Carolina Symphony in Raleigh, the Senator's hometown.

I might inquire of the Senator if he has ever had the occasion to attend and enjoy the North Carolina Symphony when he is back in Raleigh; and I hope he has.

There are more. There was $35,000 for the Charlotte Symphony and $30,000 to support the North Carolina Museum of Art in Raleigh, and that is not all. There are many more worthy recipients in North Carolina, as there are in all of the 49 other States. So much for the egregious claim, one that is made year after year by the conservatives, that the National Endowment for the Arts is little more than welfare for a small cadre of elite big-city artists. It is exactly the opposite, as we have seen.

And I will say it again: Funding from the Endowment supports programs that reach into every community in this country. It is a wonderful program, and I say that it is a program we should not let down. What a wonderful opportunity we have as the new nominee of the President, Jane Alexander, a very distinguished woman in the arts, is to accept responsibility of leading the NEA. I look forward to a bright day ahead under her leadership.

Finally, Mr. President, I would like to respond to the comments of the Senator from North Carolina about the works of Joel-Peter Witken. I agree they are distasteful, but the fact remains that people's tastes change over the years. What is considered vulgar or repulsive today may be considered a masterpiece 100 years from now. Igor Stravinsky's "Rites of Spring," when it was unveiled 100 years ago in Paris, was booed and hissed nearly off the stage. It was considered vulgar. Today, it is recognized as a masterpiece. So much for the contention of the Senator from North Carolina that no one was ever offended by a symphony orchestra.

Mr. President, I look forward to this measure being passed, with the amendments of the Senator from North Carolina being defeated. And I hope that my colleagues will see fit to reject both of those amendments.

I believe it is time for each of us to stand up and be counted and indicate our support for the arts of this country, and that means supporting the National Endowment for the Arts.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just a couple comments. First, I may be wrong, but I am sensing that this debate is coming to a conclusion.

The PRESIDING OFFICER. Is the Senator from North Carolina yielding the Senator from Oklahoma time?

Mr. HELMS. Certainly.

Mr. NICKLES. Will the Senator yield me 7 minutes?

Mr. HELMS. As much as the Senator wants.

Mr. NICKLES. Mr. President, to advise our colleagues, I have a feeling this may be coming to a conclusion rather quickly. Some people may be assuming we will not have a vote until 12:30. It may be we could have votes on both of the Helms amendments prior to that time, and so they should be so advised.

Mr. President, Senator HELMS has two amendments, and I have heard terminology used, well, it is the radical right agenda and so on, but I will take exception to that. I just happened to notice an article—and this, by coincidence, is by Mr. Fred Danziger, in a special to the Miami Herald. I think it was written—actually, he is an artist represented by the Rodger LaPelle Gallery in Philadelphia, and it was written for the Philadelphia Inquirer. As an artist, he made a couple of recommendations. He says:

> Is there a better way to do this business of giving out Federal money to the arts?

He says:

> Here's my heretical suggestion: Stop giving money directly to the artists. This is where all the trouble springs from, and, beyond that, these grants do more harm than good to art.

It is a two-page article, but my point is I thought this was an interesting suggestion because many of us have wrestled with the NEA. I will be one to say I think in many cases the NEA supports a lot of groups that do a lot of good within our States, that are supported by a lot of our constituents. So we wrestled with this decision. But it also does a lot of harm. And it happens to fund a lot of individuals that really abuse this system.

So Senator HELMS is trying to correct that. And I might mention again, I do not see this as a radical right agenda.

It says let us give the money to the States and not direct it to individuals, or let us give money directly to large—I say large—give the money directly to grants in aid to the States and it shall be limited to not-for-profit institutions, organizations, associations, and societies, so it will not go directly to individuals.

I think the majority of the money does go to the larger groups and to the States and nonprofit institutions. So I think Senator HELMS has a good amendment. It just happens to be endorsed by this article that I just saw, this article dated September 5, 1993.

I ask unanimous consent to have that article printed in the RECORD.

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

[From the Miami Herald, Sept. 5, 1993]

RX FOR NEA NO ARTIST GRANTS

(By Fred Danziger)

Serving as head of the National Endowment for the Arts is a situation something like that depicted in the Philadelphia Museum of Art's famous painting Prometheus Bound by Peter Paul Rubens.

Its mythological theme depicts the chained-up muscle man with an eagle ripping out his liver. But every night (or so the story goes) the gods make the liver grow back. So every day, the eagle comes and eats it again. I'd bet that John Frohnmayer, the fired-by-Bush director of the NEA could relate to that. And President Clinton's nominee, actress Jane Alexander, will be getting a taste of what it's like just as soon as her confirmation hearings begin Sept. 21.

It shouldn't be that way. The NEA has a mere $175 million to spend (less than a dollar a year per American), so it should be allowed to go on its way in relative anonymity. But remember, Sen. Jesse Helms, R-N.C., is on the case. So lots of stuff will be rehashed once the hearings start about the late Robert Mapplethorpe and Andres Serrano. Before it all ends people will be looking at urine samples in an entirely new light.

Is there a better way to do this business of giving out federal money to the arts? Here's my heretical suggestion: Stop giving money directly to artists. This is where all the trouble springs from, and, beyond that, these grants do more harm than good to art.

To some folks, suggesting this immediately computes that I am trying to undermine the Constitution, censor the arts, and am an all-around lousy guy. I don't expect much support from my fellow artists on this idea, since the individual grants have been a good thing for many of us. But I can't help but ask, have the grants been good for art? For the country? I think not.

If I was the king of Capitol Hill, I'd have free admission to all museums, plenty of arts scholarships to anyone who showed the dedication required, and all the ballet troupes, symphonies and theater companies would never have to worry about utility bills, security guards or paying for those trays of chopped raw vegetables you always have at arts events.

This all helps (except perhaps for the vegetables) to create a knowledgeable public that can then decide for itself what kind of art, or which performances, it wishes to buy from individual artists. This is mostly what the NEA does in any event, and it's the way things ought to work.

It is easy to make a case for government support of the arts in general. If there is any element of human culture that transcends the barriers of race or religion or ideology, it is art. I recall a television broadcast of Arthur Rubenstein playing Tchaikovsky in Moscow. As the camera panned the audience, they zoomed in on a Soviet military man. His chest was covered with medals, and tears streamed down his face. For me, it was the perfect expression of the value of art.

But when political appointees begin to make value judgments about the merits of one artist's work as opposed to another, we had better think very carefully about where that path takes us.

First of all, for every successful grant applicant, there are hundreds of other artists who get the "thank you for submitting" letter. Perhaps in self defense, it is inevitable for artists to suspect that somehow the deck is stacked against them at the NEA. You hear stories about an artist who had a friend on the panel, and darned if that wasn't the year he/she got lucky (and got a grant).

The stories may be apocryphal, but they persist. You also hear lots of wondering about why certain artists seem to get grants year after year. But real or imagined favoritism is not the prime reason to discontinue the individual grants.

The crucial problem is a binary system:

(a) Tax money is taken from us grudgingly at best, and every little bit counts. Sometimes the small bits are even more important than the big bits because people can understand them more easily.

Maybe the average restaurant cook pitches in only a nickel a year for grants to artists. Ah! But the symbolism of that five cents! Piled on top of "honey subsidies," any number higher than zero is wrong.

Put this in concert with:

(b) Art is not "real" in the same sense as a levee, or a hot lunch for a 6-year-old, is real. Art is only "real" like "happiness" is real. It is totally a subjective mental process, dependent upon context. (Recently, flood victims in Iowa cried tears of joy upon seeing water come from a faucet. See context.)

When (a) and (b) combine, well . . . you hear the stories occasionally on the news. A town in Texas is reportedly unhappy because it paid $60,000 to a New York art dealer for what seems to most residents to be nothing more than a plywood box. Folks in a New England town, oblivious to the concept of "cutting-edge" art, were angry about a six-figure expenditure for what seemed to one resident to be "several large stones."

These stories illustrate the problem. The value of art in general as a "bridging device"; but when money is given for something specific (like a plywood box), art becomes a "wedge element" instead.

Anytime someone tries to impose their aesthetic taste on others, you create a dissonance. When these others are being essentially forced to pay for their own displeasure, you also create political issues ripe for creating lots of anger and cynicism about government.

This isn't what art is about, and it's not what the NEA is about. True, art frequently deals with abuses of power and difficult social issues, but somewhere there is a difference between art and artful propaganda.

Goya's "Disasters of WAR" and Picasso's "Guernica" are clearly art. Hitler and Stalin, under the guise of support for the arts, filled museums with propaganda. There is a fine line that marks the difference, and only one thing is certain: The propagandists were paid by government; Goya and Picasso were not.

Axing the grants to individuals will not only take care of any budget cuts the NEA has coming, it will also leave enough money left over to do a lot of whatever is necessary

to keep our cultural institutions open and welcoming. The prescription may be to let the institutions themselves do the selecting of artists without any input from Washington. Let them take the heat (and the praise) and deal with the local activists.

Let the NEA foster and sustain and encourage more local art support, but don't let it play "star-maker" in the art world with the taxpayer's money.

Mr. NICKLES. Mr. President, that deals with one of Senator HELMS' amendments. Senator HELMS' other amendment I hope our colleagues will take a close look at. I have not done as much homework as obviously Senator HELMS and others have, but I was surprised to find out that in 1992 five States and the District of Columbia received almost half the funding for NEA. That means that the other 45 States receive 53 percent, 52.9 percent. So the distribution of funds for NEA, at least as late as 1992, is really distorted or really weighted heavily toward a few States: New York, California, Massachusetts, Minnesota, Illinois, and the District of Columbia.

Likewise, maybe I can understand those Senators' speaking very forcefully, wanting to keep their gravy train going because they really have been reaping a bonanza compared to the rest of us. It also means constituents in Montana, Indiana, North Carolina, and Oklahoma are spending a lot of their tax dollars to subsidize artists primarily in a few big cities.

I was surprised by the one chart Senator HELMS has that says "Six Cities Command Arts Funding," and the funding for New York City alone receives 9.3 percent. I had not seen that before. I was not aware of it. That really seems to be a distorted allocation of money, going again to a few cities, probably predominantly to groups and individuals that are accustomed—they know the ropes, they know the application procedures, and they have done quite well.

So I think the second Helms amendment, which we will be voting on, which changes the allocation, gives 70 percent of the money directly to the States and the States can make the allocations. They have minimum allocations for each State. You can have more money going throughout the country to different States. Obviously, a few cities in a few of the major States will receive significantly less and obviously the other 45 States or 40-some States probably will receive a greater proportional share.

I might also mention, in contacts at least with my officials in my State, we have had a lot of contacts from individuals who are very supportive of the arts and they receive their funding through the State art commission, which I believe—I tell you, in my State of Oklahoma, I think they do a pretty good job of allocating the funds.

Incidentally, I cannot remember in my State, where the State art commission has been involved, that they have ever funded something that is really grossly offensive, something like taking a cadaver or something as offensive to one's religion as having a crucifix in urine, and these types of very offensive—I cannot call it art—pieces of work that have been subsidized by NEA through individuals.

If we did give 70 percent of the money to the States as proposed in Senator HELMS' second amendment, I think that would eliminate probably not all, but maybe it would eliminate most of the most egregious examples of what I must say is abuse of the taxpayers' funds through the National Endowment for the Arts.

Finally, I would like to conclude that I am excited about the President's nomination of Jane Alexander to be Chairwoman of the NEA. She has a reputation, she has the prestige, she has the experience, both as a teacher and as a performer. I am excited. I think she will do a good job. I think she will be a significant improvement, in many cases, for our country and, hopefully, will be able to eliminate some of the most offensive types of art as we have seen demonstrated.

I might mention that Senator HELMS has shown a couple of pieces of art that are not art, has shown a couple of works by an individual artist who has been subsidized by the National Endowment for the Arts. He has not shown the most offensive. The most offensive that I have seen—I glanced at some that are in the back room—are not suitable for public viewing. So I just tell my colleagues that I think Senator HELMS has shown some restraint. I compliment him for that.

I also compliment him for his courage in bringing forth these amendments because some people start using terminology pretty loosely on the floor and use terms like "radical right." I do not think either of Senator HELMS' amendments as introduced today, one that says, hey, let us give the money to organizations, to orchestras, different art associations, and to the States instead of individuals, I do not believe that is radical. I think it is a different distribution of funds, which I think will help accomplish the purpose and maybe eliminate some of the most egregious examples of abuse of the taxpayers.

Then, the second Senator HELMS amendment, I hope people will look at the allocation on a State-by-State breakdown. Again, maybe I will claim a lack of knowledge, but I was not aware of the fact that New York City would get almost 20 percent of the arts funding. I was not aware of the fact that five States and the District of Columbia received almost half of the NEA funding throughout the country. I do not think that is right. I do not think that is fair for artists all across the country. So I encourage my colleagues to look at the breakdown as provided with Senator HELMS' second amendment because I think it would be a better, a more fair, a more equitable distribution of funding throughout the country.

I thank the Senator from North Carolina.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I will yield 10 minutes to the distinguished Senator from Indiana.

Let me first thank the able Senator from Oklahoma for his comments.

Let me also say in the friendliest way possible, I am going to regret the day that HOWARD METZENBAUM leaves the Senate because he is an interesting adversary. I am going to miss him. But I had a call during his comments, I do not know who wrote his speech for him, but he needs to check the facts. The former Chairman of the NEA said that none of the educational grants Senator METZENBAUM talked about are individual grants. If he wants to check that with Anne-Imelda Radice, that would be fine.

As for Senator METZENBAUM, I know he does not mean it when he uses various terms like "the conservative right". I can say right back to Senator METZENBAUM that that is a lot better than being a member of the left wing wrong.

Good luck, Senator METZENBAUM.

I yield 10 minutes to the distinguished Senator from Indiana.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. I thank the Senator for the time.

Mr. President, it seems like every year we arrive on the floor to discuss the same subject. I regret that we have to do that because I rise as a supporter of the central mission of the National Endowment for the Arts. The NEA has given aid to a number of important institutions in my own State—philharmonic orchestra, historical societies, art museums, and others—and has promoted projects that I think serve a public purpose.

I think we can debate whether or not in this time of a $4.3 trillion deficit this public purpose ought to be prioritized in terms of our Federal involvement and the amount of Federal expenditures going to this agency. That is a debate that has woven itself in and out of the debate here. While I think that is an important debate, that is really not the debate I want to enter into today.

I want to discuss this continuing controversy that embroils the National Endowment for the Arts in public scorn, public derision, that places the agency as one that on an annual basis is ridiculed by a substantial portion of the American public.

I have suggested to directors, officers, and others involved in the National Endowment for the Arts and the arts organizations around my State, I have suggested that unless the NEA can get its act together in terms of responsible expenditure of public funds, it is going to jeopardize and risk its entire mission because it has certainly placed itself in the position where the public has very little respect for its mission.

Every year we go through the latest examples of funding that most Americans find highly offensive, and find it violates their own sense of decency, and they are violently opposed to expenditure of their own tax dollars for this particular purpose. We went through the Mapplethorpe exhibits and the Serrano exhibits, and today we have someone named Witken, who has, I think, abused the privilege granted to him of subsidizing his art work.

(Mr. AKAKA assumed the Chair.)

Mr. COATS. I have a list here of a number of what are called the latest controversial grants issued by the NEA. I will not take the time to go through these. Senator HELMS has documented these, as others have, and pictures are available for everyone to see. I doubt if I could find a handful of people in the State of Indiana that would think their tax dollars ought to support this type of art.

Those who oppose the Senator from North Carolina and what he is attempting to do here basically boil their arguments into two categories. First, they say that these works ought to be protected by the first amendment. Second, they say, even if there is a situation here where it might not fall under first amendment protection, we are really just talking about a tiny amount. Most of the money in the NEA goes to some very worthy purposes and, by the way, this exception is not all that bad. It just represents a small fraction.

Mr. President, let me say that I do not believe the Senate should act as an art critic or as a censor. I do not think we are qualified to do that. But we do, as elected representatives, have a primary and defining purpose in determining if public funds are spent in the public interest. What we are debating here is not the meaning of art, and it is not the limits of censorship. What we are debating here is the distribution of public funds. I think that is our job. That is what we are elected to do. We are elected to make distinctions in terms of how we spend the public's money. An article in the Washington Post put it fairly succinctly:

> Americans make distinctions between what they will tolerate and what they will subsidize.

So we are not talking here about what Americans will tolerate under first amendment rights. All Senators would say that if some artist wants to go in his basement and create a piece of junk, fine, do it on your own time and out of your own pocketbook. What we are saying here is that we are entrusting you with funds that we ask the public—we do not ask them, we coerce them—to send to Washington for expenditures to supposedly advance the public purpose.

A lot of people are saying: You keep coming back telling us that Medicare recipients are going to have to tighten their belts, and we cannot afford to provide all of the medical service that the elderly or the poor or the underinsured need to have. We just cannot afford to do all that. And we know there are some public works projects that are important for our roads, highways and airport projects, and a number of other things; but the budget constrains us, and we simply cannot fund all that. But, by the way, we can take your money and give it to artists who produce some of what I describe as the most despicable, depraved art that the human mind can possibly create.

The second objection goes to this question of, well, it is just a little bit of money, and after all, artists will be artists just like boys will be boys, and we cannot control all of these people. Every once in a while, they produce something, and we are sort of sorry, but it only represents a fraction of the money.

That works until you come over and look at the art.

I came over here last evening fully intending to vote against the amendment of the Senator from North Carolina, because I thought it was too big of a club for the problem that existed. Well, it was not a mistake. I came over early and had extra time, so I walked back into the cloakroom to avail myself of what we were talking about.

Mr. President, I doubt if there is 1 percent of America that, having viewed these exhibits, would say that that is how they want their tax dollars spent. They would find it personally offensive. They would find that it profoundly blasphemes their faith—and I am not talking about a particular faith. I am talking about artists who take public funds and use it to exploit young children in sexual ways that make it even difficult to look at or talk about. I am talking about artists that use public funds to assail some of the most cherished symbols of faith. "Piss Christ" is just one example.

I cannot, in good conscience, support 1 cent of taxpayer dollars to display for the public, with public funds, a crucifix in the artist's urine. I cannot do that. That is one small example. I do not intend to go into all of the others. But I ask my colleagues, before they vote, walk in the cloakroom and look at what our public funds are purchasing today. When sacred truths are defiled with public help, I cannot support that, nor would uncounted millions of people of deep faith, who see their most cherished beliefs and symbols defiled with public funds.

I cannot tolerate the sexual exploitation of children. There are many Americans, most Americans, who grieve, like Augustine of Rome, over our final descent in the decadence and disorder, when we allow public funds to publicly sexually exploit young children.

Mr. President, I have searched for some solutions to this problem because, as I said, I stand here as someone who has been a supporter of the central mission for the National Endowment for the Arts. I have talked, through my office, with administrators and those who have been nominated to become directors of the NEA. And they come over when they are about to be nominated and they say all of the right things: Oh, Senator, I agree with you that this is intolerable. We cannot let this continue to happen. We are going to crack down on this, and we are going to change the procedures and make sure that you do not have to go to the floor next year with a whole new exhibit to talk about this kind of thing. That is not what we are about at the National Endowment for the Arts.

That sounds good the first time, and that sounds good maybe the second time, even though you get a little skeptical. But it happens over and over and over. I am not going to go into the motives of these individuals. I am simply saying they cannot control the process. It is a process agency. It is not a production agency. They are not making the art; they are processing who makes the art, and they are subsidizing the effort.

But that process is broken, and these individuals have not been able to fix it. Both of the Senators from Oklahoma, whom I admire greatly and I respect their judgment, have said that the new administrator, Jane Alexander, is different and they support her. I respect that, and that has a lot of weight with me, because I think the Senators from Oklahoma share some of the same concerns and values that I am trying to espouse here today. But it may be that no matter how well intended the new administrator of the NEA is, the process is such that they will not be able to effect this kind of a change.

I do not want Congress to micromanage, but I have offered some amendments. I thought that what we ought to do—and I offered this in committee—is take the law as Congress has already passed it and say to the NEA: Use those standards in determining whether or not you will offer public funds to particular entities.

So I said: Look, let us put three conditions on it that the panels must follow when they are evaluating who gets the grant.

First, let us not argue what obscenity is. Let us use the Supreme Court definition and lift that definition. The Supreme Court agreed on it.

Second, I said, in order to get to the question of sexual exploitation of children do not argue what is and is not. Let us take what Congress already said is a violation of the law.

So I just simply added section 2251 of the United States Code, title 18 of the United States Code, which makes it a criminal offense to involve sexual exploitation of minors used in any way in the production of child pornography. We do not have to debate over what is and what is not wrongful use of that. We will just take what the Congress already agreed to.

Third, I said I think they ought to have a standard that says you cannot denigrate the beliefs, tenets, or religions of any children.

I think that is what America is about. I regret to inform my colleagues I got nowhere in my amendment in the committee. It got trashed big time.

So then I come to the floor and offer amendments on the floor and supported amendments from the Senator from North Carolina, and I was very hopeful it was last year or a couple years ago when the Senate passed by a very substantial margin language which would restrict NEA from awarding grants if the material was used in offensive ways relative to sexual connotations. I do not have the language in front of me. I was encouraged the Senate voted very substantially for that. What happened? It was killed in a back-room deal in conference. I think the word was: Welcome, let us vote for it, because it is public, and we will take care of it when nobody is watching; which is exactly what happened.

Senator HELMS came down to the floor and said: Look. I run out of options here. We need to take a big club and get someone's attention down at NEA.

So, he said, let us just eliminate the thing. And I am at the point where I am frustrated. I am saying OK, I am ready to wield that big club, too. I voted for the amendment. And I am sorry it did not pass because I think it would have gotten attention.

Now, he has some other amendments here that are milder but go to the heart of the question. Indiana I think operates pretty effectively in terms of utilizing these funds. Like the Senator from Oklahoma, I really have not come across an example of abuse of these funds. Indiana is going to do pretty well under this. I had no idea that allocation was so distorted that 20 percent went to one city.

I ask 2 additional minutes. Does the Senator have time to yield 2 additional minutes? If not, I will take 30 seconds and wrap up.

Mr. HELMS. If the Senator will do that. I have a couple of points.

Mr. COATS. I will do that.

Mr. President, I made my point. We are here every year arguing the same question. It is time the NEA woke up and fixed the process if they do not want to end up so angering the American public that we are just going to eliminate the entire agency. With the deficit pressure and with the insistence on continuing to fund these kinds of projects I think ultimately that is what is going to happen. I do not think that is what this Senate body wants. I hope we will get someone's attention and take care of this so we do not have to be down here arguing these same things.

I thank the Senator for the generous use of time.

Mr. HELMS. I yield 2 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. Two minutes is yielded to the Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much.

Mr. METZENBAUM. Mr. President, before the Senator proceeds, could I on behalf of Senator BYRD, when Senator KEMPTHORNE concludes, allocate 5 minutes to Senator JEFFORDS, and Senator WELLSTONE is allocated 3 minutes out of his time. I so ask unanimous consent.

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

The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I believe there is a place for art because when we look at great societies throughout the ages we have seen that art does depict what sort of culture, what sort of heritage those people of those societies have.

In a rural State like Idaho there is definitely a role for art, and there is a need for organizations such as the National Endowment for the Arts to help in exposing art to the young people in the rural areas where perhaps for the first time they are going to have the opportunity to hear a symphony, for the first time perhaps they are going to be able to take their hands and know what it is to work with clay and create art and something that perhaps can encourage them to go on and be appreciative of the arts and what they mean to a culture and a society.

Last night I, too, viewed some of this that some would call art. I found it absolutely repulsive. I think it is amazing that somehow we have funded pieces of work that cannot be displayed on the floor of the U.S. Senate. That is not a question of censorship. That is a question of sponsorship. That needs to stop.

Mrs. BOXER. Mr. President, will the Senator yield for a very quick question?

Mr. KEMPTHORNE. The Senator will yield.

Mrs. BOXER. Is the Senator aware that the NEA has informed Senators that the photographs that were shown last night were not done during the period of time that the particular artist had a grant from the National Endowment for the Arts?

Mr. KEMPTHORNE. Yes. In response to that question I would say, "yes," I am aware of what the particulars are, but there have been support for that sort of activity and support for that artist as well.

Mrs. BOXER. I want the Senator to know those were not NEA-funded.

Mr. HELMS. The Senator is speaking on her own time, please, not on this side's time.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the time I used to respond be allocated to the other side.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object.

Mr. WELLSTONE. Given the cogent remarks of the Senator from California, I have no objection.

The PRESIDING OFFICER. No objection.

Mr. JEFFORDS. Mr. President, reserving the right to object, how much time was allocated? I think it was 1 minute. I do not know about 2 minutes.

The PRESIDING OFFICER. Time is controlled by the Senator from North Carolina and the Senator from West Virginia.

Who yields time?

Is there objection to the request of the Senator from Idaho?

Mr. BYRD. What is the request, Mr. President?

The PRESIDING OFFICER. The Senator from Idaho has asked to respond on the time of the Senator from West Virginia.

Mr. BYRD. Mr. President, reserving the right to object, I may or may not. Do any of my colleagues on this side wish to have time?

Mr. WELLSTONE. I believe Senator METZENBAUM asked for several minutes for the Senator from Vermont and the Senator from Minnesota, and that has already been understood as I understand it.

Mr. BYRD. As I understood it, Mr. METZENBAUM has already spoken. Does he want additional time?

Mr. WELLSTONE. I stepped outside for a minute. I believe Senator METZENBAUM did request that the Senator from Vermont have 3 minutes.

Mr. JEFFORDS. Five minutes.

Mr. WELLSTONE. And 3 minutes to the Senator from Minnesota.

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator from West Virginia has 13 minutes and 14 seconds, and the Senator from North Carolina has 2 minutes and 8 seconds remaining.

Mr. BYRD. How much time did the Senator from Vermont wish?

Mr. JEFFORDS. I would like 5 minutes. I have no objection to 1 or 2 minutes being yielded to the Senator.

Mr. BYRD. I have no objection. The Senator from Vermont wants 5 minutes?

Mr. JEFFORDS. Yes.

Mr. BYRD. Mr. President, does the Senator from Minnesota wish to have any time?

Mr. WELLSTONE. I say 3 minutes would be fine, and before the Senator from West Virginia came back to the floor we had a discussion. The Senator from California raised a question. I believe the Senator from North Carolina wants that charged to our time. It is certainly up to the floor manager. I have no objection.

Mr. BYRD. I have control of the time. It is under my control.

I am going to yield 5 minutes to the Senator from Vermont. He wants 5 minutes.

Mr. JEFFORDS. Five minutes.

Mr. BYRD. How much time does the Senator from Idaho wish?

Mr. KEMPTHORNE. Less than 2 minutes; 1 minute.

Mr. BYRD. Someone asked me to close. I will yield the Senator from Idaho 3 or 4 minutes.

Mr. KEMPTHORNE. Less than 2 would be fine.

Mr. BYRD. Then not to exceed 4 minutes.

And how much time to the Senator from Minnesota?

Mr. WELLSTONE. Three minutes of time.

Mr. BYRD. I yield 3 minutes to the Senator from Minnesota.

The Senator from California?

Mrs. BOXER. No.

Mr. BYRD. Then let me see—5, 4, 3, 12 minutes. I would have how much remaining?

The PRESIDING OFFICER. One minute.

Mr. BYRD. I would have 1 minute, would I not?

I yield 5 minutes to the Senator from Vermont, and not to exceed 4 minutes to the Senator from Idaho. If he does not use it all I get it back. And I yield 3 minutes to the Senator from Minnesota.

Blessed is the peacemaker.

The PRESIDING OFFICER. The Senator from Idaho is recognized for up to 4 minutes.

Mr. KEMPTHORNE. I thank you very much, Mr. President. I also wish to thank the Senator from West Virginia for his courtesy.

Mr. President, I rise in support of the amendment for the concept of shifting greater funds, a larger share of the NEA budget, to the direct control of the States. I think States are closer to the people, and the closer we can get these decisions to the people, the better we are.

I think the States will have less difficulty in defining what is decency and what is art and I think that is where it should reside.

I, too, hope that Jane Alexander becomes the great director of the NEA that we all believe she can and will become.

But this is certainly a step in the right direction, because of the continuation of the allocation of funds in the past for the products that have been produced, I think, are going to require more and more of us to stand up and say, "No more."

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE], is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will just repeat for a moment what I said last night, which is that I think that the few examples that have been presented here on the floor do not represent what the NEA is about, not the heart and soul of what the NEA is about, which is to get art and culture out into our communities, urban and rural, and to make sure all Americans have access to that which is a wonderful human creation, whether they have a disability, regardless of race, regardless of income, and regardless of where people live. That, I think, is the most essential point to make.

The other point I want to make, again, is much of what we have been talking about, or some have been talking about, are abuses that took place during the decade of the eighties.

Now we have Jane Alexander, who will be nominated to head up the NEA, who herself has a marvelous, distinguished career and will provide just the leadership we need.

I find these amendments to be not at all helpful.

Finally, since I rush in response to one amendment introduced by the Senator from North Carolina, let me read from the testimony of Garrison Keillor:

"I grew up in a family that never attended concerts, never went to the theater, never bought a book. We were opposed to them. And I never imagined a person could be a writer, but twice in my life at crucial times grants from the Endowment"—these are individuals grants—"helped me to imagine that I could be. One was in 1969 * * *"

And then he goes on.

Mr. President, it is impossible in a minute to describe the meaning of this. Garrison Keillor is so well-known throughout the country for "Prairie Home Companion," a marvelous artist, a marvelous humorist, a marvelous essayist. Without the endowment from NEA, this individual never would have had his start, never would have been able to contribute not just to Minnesota or New York but to the whole country.

So I hope my colleagues will vote against these amendments.

I yield back the rest of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I have listened very carefully to the statements of the Senator from Indiana, in particular, and also from the Senator from Oklahoma, and the Senator from North Carolina, who has offered the amendments.

We, first, should concentrate on what the facts are. The fact very, very simply is this: The photographs that bring us to this point, none of the funds of NEA were used in the creation of those photographs. None of the funds from NEA were used for the display of those photographs with respect to Joel-Peter Witken, the photographer. His evil, if it is one, was to have made those photographs and later on, and maybe before, received a grant from the NEA to pursue other aspects as a photographer.

So let us make sure we know what the standard is that we are now setting. We are setting the standard that, before the NEA should offer a grant, they should observe and review all of the works of an artist to see if anything is something which would be offensive to the public. That is an incredible standard and one which we must be very careful not to adopt indirectly by approving these amendments.

Those photographs were distributed and placed out for view by the Christian Action Network. That is why the controversy started.

I think the Senator from North Carolina at this time should feel proud of what he has done. As he knows, the NEA has become much more careful about the granting of funds. Thus, we are down now to where they have to scrape around to find photographs—I think that those that we saw last night were from 1985—to find things in the past that are offensive.

But there is nothing that I know of right now that has been offensive since this new review process of the NEA has been started. So we are placed here observing and creating a standard which I do not think anyone recognized or realized until these facts had been revealed. I think this is incredible to remember.

Now the question is whether or not these amendments which we are faced with are appropriate.

There are certainly sound arguments for saying more should go to the States. I can see nothing, from facts that we have seen, that should in any way say that individuals should not be allowed the opportunity to receive grants for the pursuance of the arts.

But I do see that this will trouble people here, that somehow, by redoing the system here, we should then enable the dropping back of funds at the Federal level and preventing funds from going to individual artists.

I think the individual artists one is terrible, in the sense of what it would do for the creation of our arts.

But I wanted to again emphasize that, to me, the Senator from North Carolina has been successful and that there is no evidence or recent evidence that the NEA has been approving grants that have resulted in offensive materials, certainly not over the last year or so when all of this controversy started.

So I hope that you will remember that the facts we are dealing with, the facts that were the bases of all the arguments last night, are related to a photographer who has created some offensive works—offensive to some, perhaps to all—but the particular photographs were not funded by an NEA grant and were not displayed by NEA money.

So, in essence, we would be establishing a standard, if we are going to use it for review, to make decisions to change the NEA system, based upon the fact that we should search every author's past to see whether or not they have created offensive material, and then they should be denied an individual grant from NEA.

I hope that these amendments will be turned down. There is no reason to be concerned at this point. We should continue to request the NEA to make sure that we do not get ourselves in the position that we are in right now, of having to defend what is perceived, probably the general public, to be offensive materials.

But I reiterate again, what we have seen last night and talked about today did not result in the photographer having any NEA funds.

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

Who yields time?

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

The PRESIDING OFFICER. The Senator has 2 minutes and 8 seconds remaining.

Mr. HELMS. I am going to ask if I may have a couple extra minutes.

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

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining.

Mr. BYRD. I yield 3 minutes to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I cannot allow to go unchallenged what my friend from Vermont and the Senator from California, Mr. JEFFORDS and Mrs. BOXER, have said. What they have said is simply not accurate. NEA may have told them that, but the facts are these. Joel-Peter Witken, the gentleman who produced this wonderful piece of art—and they say it had nothing to do with the National Endowment for Art: Wrong, wrong, wrong. Joel-Peter Witken is what the NEA has formally deemed a visual artist. Over the past decade, Witken has received four fellowship awards. In 1980, he got $3,000; in 1981, he got $12,500; in 1986, he got $15,000; in 1992, he got $20,000.

It is a matter of record that they based their judgment on this, and anybody who says to the contrary does not know what he or she is talking about. I will consult with them and show them the evidence.

Of this work, let me quote the panelists who made the judgment that he ought to get the $20,000 and the $15,000, and so forth and so on. They said: "Panelists agree"—this is from the minutes—

> Panelists agree that Witken is a major talent and artist of worldwide effect who works in a unique way.

And they had looked at these very pictures. So do not tell me they had nothing to do with the $20,000.

> Panelists agree that Witken is a major talent deserving of support.

Panel summary on Joel-Peter Witken, application A92004725.

> Mr. Witken has a long track record from which the NEA has based its decisions to continue to fund him.

The NEA cannot claim that he just managed to slip something by. So I hope Senators who may have put some credibility in the suggestion that the money that this fellow Witken got had nothing to do with these pictures will not be misled about it.

I have further information. I can carry this debate further. But it simply is not so that these pictures—these pieces of "art"—had nothing to do with the money that Witken got, because it is simply not true.

Mr. JEFFORDS. Will the Senator from North Carolina yield for a question?

Mr. HELMS. I yield. I yield back such time as I may have.

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I yield 1 minute to the Senator from Vermont [Mr. LEAHY].

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, let us not lose sight in today's debate in a few moments, we will be voting on two amendments offered by the Senator from North Carolina.

The first amendment has been promoted as a redistribution of National Endowment for the Arts funds to the States and regions. But this amendment truly is a very cleverly disguised attempt to dismantle the NEA.

If this amendment passes, my home State of Vermont, a small, rural State, and home to a dynamic arts community would actually lose about $100,000 in funding.

The second amendment we will be asked to vote on would limit NEA funding to nonprofit groups. Individuals would not qualify for grants. This amendment was offered because it is believed that the tiny fraction of controversial grants over the last few years are due to the NEA's inability to oversee grants to individuals.

The Senate will soon be debating the nomination of a new Chair for the NEA. President Clinton has made an excellent decision in choosing Jane Alexander, a talented and articulate person to head this agency. We should give Ms. Alexander the opportunity to run the NEA in a way that promotes all the treasures of our country.

I urge my colleagues to vote against the two amendments. The NEA should be encouraged by our support and by our confirmation of a promising new Chairman, Jane Alexander.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. President, I ask unanimous consent the pending amendments be laid aside for no more than 3 minutes while we discuss another amendment to be incorporated into this legislation.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. I regretfully have to object. There are some of us who are trying to get away. I am afraid as we start to put the vote back, we will be unable to get away.

Mr. BYRD. I hope the Senator will not object, because this is a matter the distinguished Senator from Oklahoma and I have discussed. We are ready to accept the amendment. It will not be pushed back.

Mr. METZENBAUM. All right.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, and I do not intend to object, can I have 30 seconds?

Mr. BYRD. I believe I have 1 minute left, if we do not chew it up. I will yield my last minute to the Senator from Vermont.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. I thank both the chairman and ranking member.

The PRESIDING OFFICER. The amendment is temporarily laid aside for 3 minutes.

The Senator from Idaho is recognized.

AMENDMENT NO. 901

Mr. CRAIG. Mr. President, let me thank the chairman and ranking member for working with us in solving a problem that is important as we attempt to review habitat and repopulation studies in the West, and how that may fit into the ecosystems in the West.

We have asked for some research money to examine the prey base and possible interaction between wolves and mountain lions. Dr. Morris Honocker is doing the research through the Wildlife Research Institute at the University of Idaho.

This amendment would accommodate the kind of research underway, the kind he is continuing to do.

I thank both Members for working with me on this important amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are happy to work with the Senator from Idaho. We congratulate him on his amendment and are happy to accept it.

Did the Senator ask unanimous consent to lay aside the previous amendment?

Mr. CRAIG. I did.

Mr. NICKLES. Has the Senator sent the amendment to the desk?

Speaking for Members on this side, we have no objection to the amendment.

AMENDMENT NO. 901

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 901.

Mr. CRAIG. 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 10, line 4, before the period, insert the following:

"*Provided further*, That $40,000 of the funds provided herein shall be made available for the research program relating to habitat and repopulation studies and possible interactions between wolves and mountain lions in and around Yellowstone National Park.".

Mr. BYRD. Mr. President, on this side, I am prepared to accept the amendment. This has been discussed quite at length yesterday and today, and I hope the Senate will approve the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment—No. 901—was agreed to.

AMENDMENT NO. 900

Mr. NICKLES. Mr. President, I believe the pending business is the Helms amendment, and I believe the Senator from Vermont has been recognized?

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I just want to close again by saying the Senator from North Carolina made no misstatement. I made no misstatement. I believe he should take credit for the changes that have occurred that have not resulted in anything offensive for the past few years. What he said was they looked at the photographs and may have—I am sure he cannot say they did—may have used those in forming their judgment to give the photographer another grant.

But that is much different than saying that NEA funds were used for the creation of the photographs, or that NEA funds were used for the viewing of the photographs. And therefore there is no dispute on the facts.

The question is whether we want to establish a new standard and base the voting on the amendments here upon things which occurred many years ago, and establish a standard that we should review all the works of an artist before we give him or her a grant.

I urge defeat of these amendments because they are really based on facts which would not be relevant to this kind of decision.

Mr. SIMPSON. Mr. President, I rise in opposition to the amendment which would limit the eligibility for National Endowment for the Arts grants to nonprofit organizations and which would eliminate individual grants. This amendment would severely affect the NEA's touring programs and arts education programs at many art museums across America.

Unfortunately, the amendment fails to consider the Endowment's far-reaching support of projects in rural and historically underserved areas, such as my home State of Wyoming. NEA touring programs of musicians, artists, and dancers increase the availability of the arts for all Americans, and that work should be commended. For the most part, those that make the grants at NEA do an excellent job. They have awarded nearly 100,000 grants since 1965.

However, I do agree that the ugly, tasteless, and plain stupid—in my mind—that is the wonderful thing about America—photographs we saw last night on the floor do engender spirited debate over the mission of NEA. Yet, I would submit that those examples were exceptions to the generally demonstrated competency of the NEA grant process over recent years.

The House reduced Endowment funds by 5 percent this year. The $165 million appropriated for the NEA would bring their budget back to where it was in fiscal year 1987. Our bill recommends a $170 million funding level.

Many of my colleagues who support the arts may be feeling the pressure to keep quiet on this controversial issue. But it is my view that the arts are a very integral part of our society and serve as a unifying force of the American spirit. We are all concerned about the economy and the appropriate use of taxpayer dollars. But, this bill's funding of the NEA does demonstrate fiscal restraint. Our efforts to curb the Federal deficit should be balanced with a reasonable and sensible view of the value of arts in America.

The funding application review process has come under fire at the NEA in recent years. A lack of control over the awarding of subgrants has been the real cause of many controversies and severe criticism. I trust that under the able and sensitive guidance of Jane Alexander, the peer review panels will demonstrate realistic responsibility and toe the line where taxpayer dollars are concerned. I believe that she will use basic common sense and professional and personal good taste in her administration of the NEA.

On a local level, the NEA has been instrumental in strengthening arts organizations in Wyoming and has provided so many cultural opportunities for people throughout my State. Between 1987 and 1991, combined Federal and State arts investment in Wyoming totaled over $4 million, and that investment has yielded significant dividends. The NEA supported activities in Wyoming that drew audiences of over 3 million people in that time period. There have been thousands of grants awarded to Wyoming artists.

The Grand Teton Music Festival, the Buffalo Bill Historical Center, and Nicolaysen Museum and many other persons and organizations have flourished with support from the Endowment. Overall, in the 27 years of Federal and State support for the arts in Wyoming, the NEA has helped to increase the number of performing arts companies, museums, arts centers, and other arts organizations from 15 to over 60.

Let us give a creative and articulate woman like Jane Alexander this opportunity to truly lead the National Endowment for the Arts. We cannot legislate good management. Our job is seeing that it works well. I, in turn, wish her well and I do urge my colleagues to table the amendment before us.

Mr. LEVIN. Mr. President, I rise today in support of reauthorization of the National Endowment for the Arts. The NEA provides support to the nonprofit arts institutions which nurture and deliver our culture to the American people and audiences worldwide. Since its creation in 1965, the NEA has contributed to the growth in cultural institutions and awareness throughout the United States. For example, the number of orchestras in the Nation has increased from 110 to 230; opera companies have grown from 27 to 120; and nonprofit theaters have ballooned from 37 to 450. All of this has been achieved while total NEA investment constitutes less than two ten-thousandths of 1 percent of the Federal budget.

Funding for the arts benefits not only the artistic community, but affects all aspects of the economy. In fiscal year 1992, the $116 million invested by the NEA attracted over $1 billion in contributions and funding from businesses, individuals, and other governmental sources. Thus, each dollar spent

by the NEA attracted $11 in matching funds and created a twenty-fold return in jobs, services, and contracts. Americans spend $3.7 billion annually on arts events providing the arts with a comparable ranking of 126 in the Fortune 500. However, NEA spending for 1992 equates to just 68 cents from each American taxpayer.

The arts play a crucial role in bridging cultural, ethnic, and economic differences. NEA-funded programs inspire our youth, instill knowledge, skills, discipline, and self-esteem. The NEA-funded artists-in-residence program alone has placed 10,000 artists at over 11,000 community sites in all 50 States and 6 jurisidictions benefiting 4.5 million schoolchildren.

In the State of Michigan, the NEA strengthens arts organizations, assists artists, and provides cultural opportunities. Over the past 27 years, during which the NEA has been contributing to the arts, the number of museums, performing arts companies, and arts organizations in Michigan has grown from 335 to 1,040. Between 1987 and 1991, the NEA granted $5,845,168 directly to Michigan artists and organizations. These funds supported programs which reached approxiamtely 224,681,000 attendees and included 773 grants to artists and organizations in rural areas of the State.

Let me cite some examples of NEA-funded programs in Michigan. In fiscal year 1993, the Michigan Opera Theatre received $68,000 for general operations and community programs to create operas in the Detroit public schools. This funding enabled the Michigan Opera Theatre to continue its many community-oriented programs such as performances of "Faust" interpreted for the deaf; Grandparents' Day performances at a senior citizens' complex for children and their grandparents; and recordings and readings for the blind. The Detroit Repertory Theatre is another example of the excellent organizations encouraged by the NEA.

Founded in Detroit's inner city, the Detroit Repertory Theatre staunchly advocates interracial casting, community cultural services, and African-American playwrights. NEA funding has allowed the theatre to serve approximately 32,000 people annually, 90 percent of whom are African-American. The Detroit Repertory Theatre provides special programs for the economically and socially disadvantaged, as well as those in substance abuse prevention, adult foster care, youth in crisis, spousal abuse, runaway and teenage pregnancy programs.

The economic recession has affected all levels of support for the arts. Contributions from corporations, foundations, and individuals have decreased by 13.5 percent within the last 2 years. According to the Association of Art Museum Directors, contributions from individuals dropped by 41.1 percent alone. NEA funds are, therefore, needed to support existing programs and encourage new creativity. The NEA helps ensure that the arts will continue to teach, build bridges, and reinvest in local communities. The National Endowment for the Arts is crucial to the stimulation of American cultural development and understanding.

Now, there has been controversy over some of the projects funded by the NEA in recent years. I believe some of these projects should not have been funded. There is of course no right to Federal funding. Refusal to fund a project has been mistaken by some as censorship. They are very different acts. The NEA must earn and maintain public confidence and trust or elected representatives will reflect public disenchantment.

But to eliminate funding for the NEA, as has been proposed by some during this debate, is an overreaction which would ignore all the positive contributions that the NEA has made to our national life over the years. It merits our continued support.

Mrs. KASSEBAUM. Mr. President, I would like to speak briefly about the Helms amendment providing that National Endowment for the Arts [NEA] funds be made available only to State agencies and nonprofit institutions, organizations, and societies.

As I understand the amendment, its purpose is to assure that funding go only to groups—not to individual artists and performers. I have some sympathy for what the Senator from North Carolina is trying to do. As I stated last evening, I do not believe the works by Mr. Witkin displayed on the Senate floor are appropriate for support with taxpayer funds. Likewise, I am troubled by the support offered by the NEA to various individual performance artists such as Holly Hughes, Karen Finley, John Fleck, and Tim Miller.

However, I will oppose the Helms amendment for two reasons:

First, I believe it is written far too broadly—casting a net which may pick up some of the work which should not be supported but which will also pick up choreographers, designers, writers, poets, jazz musicians, folk artists, and others whose work is worthy of support. It makes no more sense to wipe out an entire category of support—that of grants and fellowships to individuals—in order to avoid a handful of problems than it would to wipe out all State grants because some State subgrants have presented problems. In fact, some of the examples used by the Senator from North Carolina—notably that of the work of Andres Serrano—stemmed not from an individual grant but rather from a grant to an organization.

My second reason for opposing the amendment is that I do not believe it will be effective in addressing the problem it is intended to fix. It seems to me that it would be relatively easy for solo performing artists to organize themselves into a nonprofit group and to obtain grant money through that channel. On the other hand, jazz musicians, pianists, poets, and folk artists would find it far more difficult to create such alliances and would, therefore, be precluded from receiving NEA support.

Had this amendment been more narrowly focused, I would have been pleased to have supported it. In my view, problems have consistently arisen with respect to individual performance artists. That is a category which simply should not be supported by the NEA.

I would also note that, while I support the Helms amendment which provides that 70 percent of NEA funds go directly to the States, I am troubled that the amendment contains no safeguard against the States simply using the extra Federal money to reduce their own support for the arts. As pointed out particularly by Representative STEVE GUNDERSON, this has become a problem since the 1990 NEA reauthorization bill—which gradually increased the State share of arts funding from 25 percent to 35 percent.

The vote last night to continue funding for the NEA is an indication of strong Senate support for the work of the organization. The reason for this strong support is that we are each familiar with the excellent work supported in our own States and on the national level.

The debate last night and today also showed, however, that underlying this support for the NEA are continued concerns about works which many of us would agree are not worthy of tax support. The challenge is not to dismantle the NEA but rather to find ways to see it is better managed.

One way is to develop procedural reforms in NEA operations—an effort in which several of us participated during the last reauthorization of the agency. I believe we took some positive steps. Of course more can be done, particularly in the areas of strengthening the decisionmaking role of the National Council on the Arts and in dealing with subgrants.

Another way, and this is the real key, is to put the NEA under the guidance of strong leadership. I am very encouraged by what I have heard from Jane Alexander—President Clinton's nominee to chair the NEA. I believe she can prove the strong leadership and direction which is needed. I look forward to working with her and others to shape an effective NEA.

Mr. WOFFORD. Mr. President, Pennsylvania's cultural life is as rich and diverse as its people. The National Endowment for the Arts has played an invaluable role in strengthening our cultural life. Through its grants to organizations and individuals, the NEA has enabled the arts to thrive in Pennsylvania and across the Nation.

From our large cities to the smallest rural areas, the National Endowment for the Arts makes opera, folk arts, drama, dance—our cultural heritage—accessible to all Americans. For example, the NEA provided funds to the Southern Alleghenies Museum of Arts in Loretto to support a program that improves access to the visual arts in this rural area. The Southern Alleghenies Museum not only exhibits an extensive collection of both national and internationally acclaimed masters and regional artists in a central facility, it also operates two satellite galleries that greatly extend the museums's reach into the community.

Since the NEA was founded in 1966, the number of community-based local arts agencies in Pennsylvania grew from 0 to 75, and the number of performing arts companies, museums, arts centers, and other arts organizations grew from 300 to 3,000. And each year, public funding has brought arts education to hundreds of thousands of Pennsylvania schoolchildren.

In the past few years, Congress has taken a careful look at the process for making Federal grants for the arts—and many improvements were made. Yet some continue to try to use the NEA to make a political point. The NEA has made over 100,000 grants. Yet only a handful get national attention. I do not agree with every grant that the NEA has made over the past 26 years. Some are not my taste—and some are personally distasteful. But I was not elected to the Senate to be an arts critic or to micromanage the NEA.

Funds invested in the arts yield a substantial and direct financial return. Almost all grants made by the NEA require some match of funds by the grantee—so NEA funds leverage significant additional private and public support for the arts. In addition, the arts generate both direct and secondary benefits in employment and revenue, contributing substantially to the economic health of communities throughout the Nation. But the greatest contribution of the NEA is that it enriches the lives of millions of Americans and enables us to enjoy and appreciate our cultural heritage.

Mr. MACK. Mr. President, last night the Senate voted on an amendment designed to eliminate Federal funding for the National Endowment for the Arts. While the measure failed, I felt obligated to support it. I would like to take this opportunity to share my thoughts on the matter.

The time has come for us to make some tough choices. Americans everywhere certainly have had to. I'm not talking about whether to buy a new car now or wait until next year, or whether or not to refinance a vacation home. No. Many American families are having to find ways to cut their budgets, counting their pennies to make ends meet, especially as taxes—Federal, State, and local—confiscate an ever-increasing portion of their incomes.

With whatever they have left after taxes, American families have to find a way to pay for food, clothing, shelter, utilities, transportation, education, health care, and their retirement. Only after those obligations are met can they even consider luxury items. If a choice were to come down to food on the dinner table versus going out to a movie, the decision is obvious.

Now we, the family of all Americans, must likewise set priorities and make difficult choices. We routinely hear Members on both sides of the aisle extol the need for fiscal responsibility, cite the growth of the deficit, and decry the lack of funds for vital programs like cancer research. It's time to put our money where our mouths are and fund only the most desperately needed priorities. We must separate the fundamental obligations and responsibilities of Government from those which are, frankly, luxuries. The arts are certainly an important part of our national culture, but this does not mean that they should be funded by Federal tax dollars.

This vote has nothing to do with censorship. I firmly believe in and support the rights of artists to express themselves however they see fit. When the rap group 2 Live Crew was being vilified a couple of years ago for the strong, and many would say obscene, content of their lyrics, I rose to their defense.

While I recognize artists' rights of self-expression, the issue of Federal support is an entirely different matter. When it comes to the arts, we should put the money back into the pockets of individual Americans, and let them decide who they wish to fund and how much they want to spend.

I support the elimination of Federal funding for the National Endowment for the Arts.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

The Senator from Vermont.

Mr. JEFFORDS. I move to table the amendments.

Mr. HELMS. Will the Senator withhold that just for 1 minute?

Mr. JEFFORDS. I will be happy to withhold that for 1 minute.

The PRESIDING OFFICER. All time for debate has expired.

Mr. HELMS. I ask unanimous consent I may proceed for 1 minute to inquire of the Chair on the basis of a parliamentary inquiry.

Will the Chair make clear what the first amendment to be voted on would be?

The PRESIDING OFFICER. Without objection, the Senator has 1 minute.

Mr. HELMS. The first amendment to be voted on—am I correct about this—would be the one that cuts off NEA grants to individuals, especially those who receive large grants for obscene, blasphemous work, and gives them instead to nonprofit groups such as orchestras, operas, choral groups, and so forth?

The PRESIDING OFFICER. The amendment that is being considered at this time is the Senator's amendment No. 900, which is the second amendment.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, if I might clarify things both for my colleague from North Carolina and also all Senators.

The Senator from North Carolina has two amendments. I believe under the parliamentary procedures, we will be voting on the second amendment, which is the amendment which changes the allocation of funding because that was the amendment the Senator offered second.

And then, after voting on the Senator's funding amendment, we will vote on the Senator's first amendment, which deleted direct grants to individuals.

Mr. HELMS. Is that the Chair's understanding?

The PRESIDING OFFICER. The statement of the Senator from Oklahoma is correct.

Mr. HELMS. I thank the Chair, and I thank the Senator from Oklahoma.

Mr. JEFFORDS. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state his inquiry.

Mr. JEFFORDS. I intend to move to table both amendments. Am I understanding correctly that I should move to table the first amendment and then just before the vote on the second amendment move to table the second amendment?

The PRESIDING OFFICER. That would be the proper procedure.

Mr. NICKLES. Will the Senator withhold just for a second?

MOTION TO RECONSIDER VOTE ON AMENDMENT NO. 901

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 900

Mr. JEFFORDS. Mr. President, I move to table the pending amendment.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 900.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

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

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—57

Akaka	Durenberger	Mitchell
Baucus	Feingold	Moseley-Braun
Biden	Feinstein	Moynihan
Bingaman	Glenn	Murkowski
Bond	Graham	Murray
Boren	Harkin	Packwood
Boxer	Inouye	Pell
Bradley	Jeffords	Pressler
Bryan	Johnston	Reid
Campbell	Kennedy	Riegle
Chafee	Kerrey	Robb
Cohen	Kerry	Rockefeller
Conrad	Kohl	Roth
D'Amato	Lautenberg	Sarbanes
Danforth	Leahy	Simon
Daschle	Levin	Simpson
Dodd	Lieberman	Specter
Domenici	Metzenbaum	Wellstone
Dorgan	Mikulski	Wofford

NAYS—39

Bennett	Ford	Lugar
Brown	Gorton	Mack
Bumpers	Grassley	Mathews
Burns	Gregg	McCain
Byrd	Hatch	McConnell
Coats	Hatfield	Nickles
Cochran	Heflin	Pryor
Coverdell	Helms	Sasser
Craig	Hollings	Shelby
DeConcini	Hutchison	Smith
Dole	Kassebaum	Thurmond
Exon	Kempthorne	Wallop
Faircloth	Lott	Warner

NOT VOTING—4

Breaux	Nunn
Gramm	Stevens

So the motion to lay on the table the amendment (No. 900) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 899

The PRESIDING OFFICER. The question now before the Senate is amendment 899 offered by Senator HELMS.

The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I move to table the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Vermont to lay on the table the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. GRAMM], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

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

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—65

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Inouye	Pryor
Campbell	Jeffords	Reid
Chafee	Johnston	Riegle
Cochran	Kassebaum	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Sasser
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dodd	Levin	Warner
Dorgan	Lieberman	Wellstone
Durenberger	Lugar	Wofford
Feingold	Mathews	

NAYS—30

Bennett	Faircloth	McCain
Bond	Grassley	McConnell
Brown	Gregg	Murkowski
Burns	Hatch	Nickles
Byrd	Helms	Pressler
Coats	Hollings	Roth
Coverdell	Hutchison	Shelby
Craig	Kempthorne	Smith
Dole	Lott	Thurmond
Exon	Mack	Wallop

NOT VOTING—5

Breaux	Gramm	Stevens
Domenici	Nunn	

So, motion to lay on the table the amendment (No. 899) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OIL SHALE-TAR SANDS R&D

Mr. HATCH. Mr. President, I rise to express my concern regarding one specific portion of the fiscal year 1994 Department of Interior appropriations bill now being considered by the Senate.

I refer to that section of the bill that deletes funding for oil shale research and development [R&D]. In this case, the Senate bill follows the House, which adopted the Sharp amendment on July 14, eliminating $5 million from the Department of Energy used for oil shale R&D. I believe this action, in addition to the elimination of $742,000 for oil-impregnated or tar sand research from last year's budget, are shortsighted and unwarranted.

As was expressed in the House during debate on the Sharp amendment, the demise of the oil shale industry and its related benefits to society have been prematurely assumed.

There is no doubt that it is not economically feasible to develop oil shale or tar sands reserves, now or in the foreseeable future. The costs to mine, retort, and upgrade synthetic crude oil developed from these resources, particularly oil shale, is cost prohibitive when compared to natural crude oil.

However, current research underway in my home State of Utah as well as in California and Colorado holds the potential of solving many obstacles that have kept oil shale and the oil shale industry from thriving in the United States. Raw oil shale that is produced from retorting can be value enhanced and used as a unique source for niche products important to our economy. These products include dyes, pharmaceuticals, vitamins, flavors and fragrances, agricultural chemicals, and many other beneficial products.

Despite the formation of these niche markets, Congress, in this bill, is taking action to discontinue this research to pursue programs that offer greater near-term economic potential. While I can appreciate the concern about constrained budgets, this action is troubling, especially at a time when access to domestic crude oil resources are being depleted or curtailed.

In Utah, the Uinta Basin, located in the eastern portion of Utah, has been labeled as America's energy storehouse. This is because of the basin's large amount of petroleum reserves that are composed of movable oil in place, tar sands, and oil shales. In total, there is more oil in these reserves in the Uinta Basin than has been produced in the history of the United States since the first well was drilled in 1865. In fact, 10 times more oil. And, the existence of old rocks and deep parts of the basin that have not been adequately explored may produce reserves with much greater quantity.

The oil shale reserves in the Uinta Basin comprise approximately 40 to 60 percent of our Nation's total oil shale reserves. These reserves amount to a total of 1300 billion barrels of oil in place. According to the Utah Geological Survey, concentrations as high as 1 billion barrels of oil per square mile are present in areas of the basin. Only a small portion of this vast reserve has been developed through various demonstration projects.

Utah's tar sands reserves are greater than anywhere in the United States, with the largest quantity located in the Uinta Basin. The basin contains 25 tar sand deposits, including the single largest deposit in the United States. In all a total of 11 billion barrels of oil has been measured in Utah's tar sands reserves with an estimated recoverable

reserves range to over 29 billion barrels.

I believe the responsible course for Congress to take is to continue funding for oil shale and tar sands R&D, even in modest amounts, rather than to withdraw it, as we are doing this year. In the event that we encounter another energy shortage in this country, or short-term depletions in our crude oil supply, these resources could be a critical bridge to continue our current way of life.

I thank my colleagues and yield the floor.

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

AMENDMENT NO. 902

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. BURNS, for himself, and Mr. SIMPSON proposes an amendment numbered 902.

The amendment is as follows:

On page 16, line 5 before the "." insert the following: "That funds included in the section entitled as Special Park Increases of the National Park Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf, shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park: *Provided* That the resources reallocated shall be consistent with accounts remaining for the stated purpose based on the Committee's recommended funding level.".

TIMBER AND AGRICULTURE

Mr. BURNS. Mr. President, I rise today to talk about two elements of the fiscal year 1994 Senate Interior appropriations bill which are important to two of my State's largest employers—timber and agriculture.

The first thing I want to talk about is what is not in this bill. An increase in grazing fees on public lands.

This is good news for Montana livestock producers. Increasing grazing fees on public lands would harm our State's leading industry and the communities that support our cattle and sheep producers.

It is vital that we continue the current relationship that exists between the private and public lands and the livestock and wildlife that thrive in the West. Any action to increase grazing fees could drive livestock off public lands and lead to negative impacts to the wildlife on our public lands.

I think there is a growing realization among those knowledgeable on this issue that the real benefits of having ranchers care for our Nation's public lands are far more than just the economic activity generated from those lands. Those benefits extend to the wildlife that live and multiply because of ranchers' investment in improving the land and water resources they manage.

Ranchers are in fact the best stewards of our western public lands. This bill recognizes this basic fact. I compliment my good friend from New Mexico for the amendment he offered which was accepted. This amendment places a moratorium on the Clinton administration's plan to change the use and management of public lands.

The second item is what was restored to this bill for the Forest Service Timber Program.

This bill restores the funding level at just above the Clinton administration's budget request for the Forest Service Timber Program. This funding level puts the Senate in a good position to restore most, if not all, of the $63 million the House of Representatives eliminated from their Interior appropriations bill for timber sales.

The lower timber program funding level in the House bill is a slap in the face to the timber workers and the communities which rely on a steady supply of timber from our national forest for their economic future.

With this action on the Forest Service Timber Program, the Senate can save thousands of jobs in the timber industry including hundreds in Montana.

This bill funds the Forest Service Timber Program for sales preparation, environmental impact statements, sales, and road building at a $332 million level. The Clinton administration had requested a $330 million funding level which the House of Representatives reduced to $267 million.

The Senate Appropriations Interior Subcommittee also found a way to make the Forest Service timber sales more efficient to offset the $46 million the Clinton administration had proposed to eliminate the timber sales at 15 national forests including the Custer, Beaverhead, Bitterroot, Gallatin, and Deer Lodge in Montana for 1994.

The subcommittee action to find ways to make the timber program more efficient instead of stopping timber sales on the Custer, Beaverhead, Bitterroot, Gallatin, and Deer Lodge National Forests in Montana is a huge victory for those areas in my State that were facing economic disaster because of the Clinton administration's proposal to eliminate below-cost timber sales.

Mr. BYRD. Mr. President, I am in agreement with this amendment.

I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid on the table.

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

So, the amendment (No. 902) was agreed to.

AMENDMENT NO. 894

The PRESIDING OFFICER. The question is on the previous amendment of the Senator from Montana, amendment No. 894.

Mr. NICKLES. Mr. President, I wish to vitiate the original Burns amendment. This is a substitute amendment that we agreed to.

The PRESIDING OFFICER. Without objection, the previous amendment will be withdrawn.

So the amendment (No. 894) was withdrawn.

VOTE ON EXCEPTED COMMITTEE AMENDMENTS

The PRESIDING OFFICER. The question now occurs on the first excepted committee amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that all outstanding committee amendments be agreed to en bloc and that the motion to reconsider be laid upon the table.

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

So, the excepted committee amendments were agreed to as follows:

Page 49, lines 6–10 (sec. 116).
Page 87, lines 12–14.
Page 96, lines 3–13.
Page 97, lines 1–4 (sec. 319).

VIRGINIA CITY

Mr. BAUCUS. Mr. President, I rise today to speak to the Senate about a national treasure—a national treasure at risk.

In southwestern Montana, nestled between the Tobacco Root Mountains and the Madison River Valley, in Alder Gulch, is Virginia City. Virginia City is an original gold mining boomtown preserved very much as it was in the 1860's. This early territorial capital includes over 100 buildings that have remained exceptionally undisturbed for the last 130 years. Five historic outlaws lie buried on Boot Hill outside of town. This national historic landmark has a rich history that can be protected and preserved, but this outstanding community is in danger.

In the 1940's the Ford Bovey family of Montana began acquiring the buildings and their historic contents in Virginia City. For almost 50 years, the Bovey family have been the careful stewards of this national treasure.

But, after investing two generations of earnings this family can no longer afford to bear the burden of maintaining this property. Montana's severe weather threatens fragile buildings; the danger of fire is looming; the economic pressure to sell off, possibly piece by piece, this historic community is tremendous. We owe it to future generations to preserve this historic chapter in the history of the American West.

Mr. Chairman, I would like to submit for the RECORD a letter written to me by Dick Moe, a friend to so many in this body and the president of the National Trust for Historic Preservation. He writes:

While other mining camps were either lost by fire, replaced with stone or brick structures or abandoned altogether, Virginia City's mix of Greek Revival, Gothic and Italianate buildings were constructed by the town's first settlers.

We must take swift steps to ensure the future of this mining town so firmly rooted in the past.

Next year, the National Park Service will undertake a feasibility study to identify all of the potential alternatives to preserve Virginia City. This study must proceed quickly. The work of the Park Service is of great importance to the National Trust, the people of Montana, and the residents of Virginia City. The Trust has listed Virginia City as one of the 11 most endangered historic places in America.

I urge the distinguished chairman of the committee and President pro tempore, Senator BYRD, to take into consideration the critical and time-sensitive needs of Virginia City when the Interior appropriations bill goes to conference with the House of Representatives. I further urge the Senate conferees recede to the House in regard to the efforts to preserve Virginia City.

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

NATIONAL TRUST FOR HISTORIC PRESERVATION,
September 10, 1993.

Hon. Max Baucus,
U.S. Senate,
Washington, DC.

DEAR MAX: On behalf of the trustees and nearly quarter of a million members of the National Trust, I am writing in support of your work to secure adequate funding for the Virginia City alternatives study in the FY 1994 Interior Appropriation bill.

Virginia City, a National Historic Landmark, is an authentic, gold-mining boomtown representative of dozens of other mining towns that sprang to life during the gold rush in the American western frontier. While other mining camps were either lost by fire, replaced by brick or stone structures or abandoned altogether, Virginia City's mix of Greek Revival, Gothic and Italianate buildings were constructed by the town's first settlers.

It is vitally important that the National Park Service undertake the work required to determine the best possible way to ensure the preservation of the nation's best example of early mining life. This work has the overwhelming support of the local residents and is of great importance to the National Trust.

I hope that you will do all you can to include adequate funding in the Interior appropriation bill for fiscal year 1994. Specifically, I join you in urging the Senate to recede to the House on this item in the Conference on the Interior bill. It is important that the work commence in the coming fiscal year in order to protect Virginia City's irreplaceable importance in American culture.

Sincerely,

RICHARD MOE,
President.

Mr. CAMPBELL. Mr. President, I rise in support of the bill and want to thank the chairman of the Appropriations Committee for his support. Like West Virginia, Colorado is one of America's most beautiful States. Because Colorado is home to two Indian tribes as well as nationals parks, monuments, forests, and prairies, the funding appropriated by Senator BYRD's subcommittee is very important. He has not let the citizens of my State down.

The bill contains money to help fulfill the provisions of the Ute Indian Water Rights Settlement Act. This will help the Ute Mountain Ute Tribe in continuing its efforts to develop 7,500 acres of irrigation land with water it is scheduled to receive, as a result of the settlement, from the Dolores water project. Senator BYRD knows that the Ute Mountain and Southern Ute Tribes chose to settle their Indian water rights claims rather than to litigate. The subcommittee has long supported the tribes in their efforts to put their wet water to use, and I thank him for continued commitment.

The bill also will help protect the integrity of national park and monument boundaries, fish and wildlife habitat and provide for even more recreational opportunities.

Money has been provided to acquire Cherokee Park. This 18,000-acre parcel of forest land along Colorado's front range will allow the Forest Service to provide access to the area's abundant big-game habitat, mountain bike trails and spectacular fall foliage.

Money has also been provided to acquire land that has worldwide significance as a dinosaur excavation site and an area of critical environmental concern known as McIntire Springs.

The Garden Park Fossil Area near Canon City, CO, has produced many of the dinosaur bones housed in the Smithsonian here in Washington. The BLM has been hard at work organizing community support and planning to build an interpretive center that would link the fossil area with the BLM's recently designated Goldbelt National Backcountry Byway and the National Park Service's Florrisant Fossil Beds National Monument. This acquisition will not only help scientists study dinosaurs, but we would also be buying some property for hiking, fishing, picnicking, biking, and horseback riding. This is the highest priority the BLM has in my State.

The McIntire Springs area near the Conejos River is one of the best remaining examples of the cottonwood-willow riparian plant community that was once abundant along the Rio Grande and Conejos River valleys. McIntire Spring is a large and unique warm spring which generates nearly 7,000 gallons of water per minute at 60 degrees, even when the temperature falls below zero—which is a common occurrence in the valley. The spring supports an extensive wetland that provides nesting and critical habitat for a variety of waterfowl and wildlife, including bald eagles. The site also served as a winter camp for the explorer Zebulon Pike in 1807. The State of Colorado manages a reconstruction of Pike's Stockade which is located within the project area as a historic landmark. The area was later the home of A.W. McIntire, the Governor of Colorado from 1895 to 1897, who built an adobe house near the spring that bears his name.

Finally, the bill contains money to help resolve a serious problem throughout the country. In Colorado alone, 12,000 acres of inholdings exist in Forest Service wilderness areas. The Forest Service needs to provide these inholders with assurances that their inholdings can be purchased for the appraised value. The committee has therefore agreed to appropriate $1 million for a wilderness inholding fund.

The chairman has also been supportive of efforts to recover endangered species. The bill contains money for the Upper Colorado River Endangered Fish Recovery Program. This multi-State, multiagency program is being implemented in the Upper Colorado River Basin with the objective of recovering four endangered fish species while water development proceeds in compliance with the Endangered Species Act.

Without the subcommittee's tireless work and the chairman's support, my efforts to help my constituents would be in vain. I appreciate his support, and I look forward to working with him in the future.

Mr. DOMENICI. Mr. President, I rise in strong support of the fiscal year 1994 Interior and related agencies appropriations bill which is now before the Senate.

I comment the distinguished chairman of the Appropriations Committee, Senator BYRD, and the ranking member of the subcommittee, Senator NICKLES, for bringing this important bill to the Senate. I know it has been an extremely difficult task to fashion a bill that balances the diverse needs and priorities covered by these programs.

The Senate-reported version of the Interior appropriations bill provides $13.7 billion in new budget authority and $8.8 billion in new outlays for the programs of the Department of Interior, including the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, Bureau of Indian Affairs, U.S. Geological Survey and others, the Indian Health Service, the U.S. Forest Service of the Department of Agriculture, the Energy Conservation and Fossil Energy R&D programs of the Department of Energy, and important arts agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the fiscal year 1994 Interior and related agencies appropriations bill totals $13.8 billion in both budget authority and outlays.

The distinguished chairman has reported a bill that is within the subcommittee's section 602(B) allocation pursuant to the budget resolution. He has done so without the inclusion of often controversial fee proposals that would severely impact the Western States, and I thank him for that.

Mr. President, I would like to commend the subcommittee for its strong support for critical programs of the Indian Health Service and the Bureau of Indian Affairs. The subcommittee has increased the Indian Health Service by $40.3 million above the budget request to provide badly needed health care services to native Americans throughout the Nation. It has tried to avoid shortfalls in important BIA programs, such as education.

I would also like to take a moment to discuss my proposal to establish an Office of Indian Women and Families within the Bureau of Indian Affairs.

As most of my colleagues are aware, American Indians lag behind most Americans in most indicators of well-being, including health, employment, income, education, and housing conditions. Few would deny their unenviable status as the poorest Americans.

A little known fact is that the Indian woman is poorest of the poor. Yet this Government spends millions and millions of dollars every year to provide education, health services, housing, employment training, and economic development activities for American Indians. The Indian woman remains on the economic floor of America while other women run into the glass ceiling.

I want this Government to pay better attention to the impact of its program dollars on the well-being of the American Indian woman and her family. While this year's Interior appropriations bill does not provide funds for an Office of Indian Women and Children in the Bureau of Indian Affairs, I intend to pursue passage of my bill to create such an office.

I feel it is very important to identify and rectify the policy and management weaknesses of the BIA and other Federal agencies, who, despite the best intentions, seem to serve to keep Indian women at the bottom of this Nation's economic ladder.

Mr. President, I want to lend my ongoing support to the subcommittee in addressing many of the operating and maintenance needs at the Federal parks and other public lands agencies. I believe these priorities are well placed.

Finally, I thank the chairman and ranking member for the accommodation they made to several priority items to my home State of New Mexico. I am grateful for their support.

I look forward to working with my Appropriations Committee colleagues toward timely completion of this important bill.

I urge my colleagues to adopt the fiscal year 1994 Interior and related agencies appropriations bill.

REGARDING MINING CLAIM HOLDING FEE REFUNDS FOR SMALL MINERS

Mr. WALLOP. Mr. President, recently several mining claim holders in my State of Wyoming contacted my office about some of the more complex and confusing provisions contained in the regulations implementing the holding fee requirements adopted as part of last year's Interior appropriations bill.

These regulations, promulgated mid-July, nearly 10 months after enactment, set forth the procedures for paying and administering the required rental fees of $200 per claim, due on August 31 of this year. The final rule also established procedures by which small miners could obtain an exemption from payment of those fees.

On July 30, one particular claim holder, Mr. Ken Moore, visited my Sheridan field office to express his confusion and outright frustration with the Bureau of Land Management's decision to refuse refunds to miners who thought themselves eligible for the exemption, filed accordingly, but paid the fees out of fear of losing their claims if by chance they misinterpreted these overly broad regulations.

The reason for this confusion and outrage was and is obvious—the Wyoming BLM office originally sent out an advisory that claimants filing for the exemption could submit the rental fee and after it was determined that the claimant qualified for the exemption, BLM would refund the rental fee. Unfortunately, the Washington office of the BLM had other ideas about refunds and all field offices were notified accordingly.

Wyoming's BLM office therefore had no choice but to issue a separate advisory so notifying its claim holders. For the benefit of my colleagues, I will read the text of the advisory which I note does admit to some confusion about the small miner exemption:

Please be advised: If the "Certificate of Exemption from Payment of Rental Fee" is filed with the required rental fee for a claim or claims, the rental fee will be accepted and the "exemption" form will be returned to the mining claimant. The rental fee is nonrefundable unless the mining claim or site has been determined as of the date the fees were paid to be null and void ab initio or abandoned and void by operation of law.

The advisory also encourages mining claimants to call or write to the Wyoming BLM office should they have any questions. No doubt their phones rang off the hook.

Mr. President, this refund policy, or lack thereof, is the most blatant example of misguided, irrational Government run amok I have ever encountered. The Internal Revenue Service sends refunds to individuals for overpayment of income taxes; the Minerals Management Service sends refunds on overpayments of mineral royalties. So why is it that the BLM refuses to grant holding fee refunds to small miners eligible for an exemption? In essence, BLM is telling the small miners of America that they can pay the fees to avoid forfeiting their claims, but do not expect to be reimbursed if you have made good on your insurance policy.

Somehow the BLM must have been overlooked in the administration's own movement to reinvent Government by slashing bureaucracy and making public agencies more efficient and responsive. Perhaps we would be better off if we do as some have suggested and "disinvent" Government. American Government will never be responsive or efficient until its ambitions are scaled back. Therein lies the problem with this administration. It is fraught with ambitious policymakers who seem only capable of reinventing a wheel to the detriment of its driver.

It had originally been my intention to offer an amendment along with my friend and colleague from Idaho, Mr. CRAIG, to require a refund to those small miners found to be eligible for the exemption. But I have been told by BLM that they are reviewing the situation to see what, if any, adjustments can be made in their refund policy. I also understand that BLM is still getting all the final results in on holding fee collections, including those from small miners. Perhaps that would explain why BLM Director Baca has been so slow to respond to the letter Senator CRAIG and I sent to him about this matter on August 2. I sincerely hope this dialog will expedite a reply and move Mr. Baca to arrive at a reasonable refund mechanism.

In any event, there is no doubt in my mind that we will have yet another opportunity to address the holding fee issue in the context of broader mining law reform and I will do what I can to establish a more rational holding fee policy for our Nation's small miners.

I ask that certain material pertaining to this subject be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Cheyenne, WY, July 1, 1993.

To: All Field Offices.

From: Chief, Branch of Mining Law & Solid Minerals.

Subject: Small Miners Exemption.

Attached is the latest Notice that was sent to all claimants that requested information on the Small Miners Exemption. The Small Miners Exemption Form was mailed with the notice to the claimants.

An Instruction Memorandum (IM) is expected in approximately two weeks to clarify procedures. The IM will be sent to you as soon as it is received.

Please note on the Small Miners Exemption Form that was sent to you previously that mill sites and tunnel sites count toward the ten claims or less limit to obtain an exemption from payment of the rental fee. However, mill sites and tunnel sites require that rental fee be paid on them regardless of the status of the owner's lode or placer mining claims.

The last memorandum from this office requested you advise claimants who were filing for the exemption to also submit the rental fee and after it was determined that the claimant qualified for the exemption, we would refund the rental fee. It has been decided by WO that there will be no refunds. If the claimant submits both a small miner's

exemption and rental, this office has been instructed to process the rental and retain it, regardless of the status or determination of their small miner's exemption.

Please advise claimants of this change and if the claimant chooses to file a Small Miners Exemption there is no guarantee they will receive it. If the determination of their Small Miners Exemption is made after August 31, 1993, and they do not qualify for the exemption, there is no recourse for them and their claims will be declared Abandon and Void by Operation of Law.

Also clarify to the claimant that a valid Notice(s) or Plan(s) of Operation must cover every individual claim that an exemption is being filed on.

The State Office intends to send notices and new releases to newspapers in the areas of mining claims and notices to all mining claimants, advising them of this change.

If you have any questions please contact Nancy Hite at 307-775-6128, or Pam Stiles at 307-775-6143.

Acting Chief.

BUREAU OF LAND MANAGEMENT,
Cheyenne, WY, July 1993.

Attention: Mining Claimants and Miners.

Mining Claimants holding 10 or fewer claims may qualify for an exemption from paying the annual rental fee. Claimants who wish to apply for the exemption must fill out Form 3830-1, "Certificate of Exemption From Payment of Rental Fee." The "Rental Fee" or the "Exemption" form must be filed in the BLM, Wyoming State Office on or before August 31, 1993, for both the 1993 and 1994 assessment years.

We are aware there is some confusion with submitting the rental fee and the exemption at the same time (as a means of protection of the claims, in case the exemption is denied).

Please be advised; if the "Certificate of Exemption from Payment of Rental Fee" is filed with the required rental fee for a claim or claims, the rental fee will be accepted and the "Exemption" form will be returned to the mining claimant; the rental fee is nonrefundable unless the mining claim or site has been determined, as of the date the fees were paid, to be null and void ab initio or abandoned and void by operation of law.

Mining claimants with questions may call or write to Bureau of Land Management, Wyoming State Office, P.O. Box 1828, 2515 Warren Ave., Cheyenne, WY 82003; Branch of Mining Law & Solid Minerals, MS 925, (307) 775-6143 or 775-6254.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, DC, June 2, 1993.

To: All State Directors.
From: Director.
Subject: Exemption Form for Implementation of Small Miner Certification Process—Rental Fees Under 43 CFR 3833.

Program area: Mining Law Administration, Mining Claim Recordation, Rental Fee Administration.

Issue: Availability of standardized Bureau form for mining claim owners claiming an exemption from payment of the rental fees under the Act of October 5, 1992 (106 Stat 1378) and 43 CFR 23833; as amended.

Policy: Transmitted herewith is the standardized Bureau form to be used by those owners of mining claims who qualify for an exemption from payment of the rental fees under the Act of October 5, 1992 (106 Stat 1378) and the revised regulations under 43 CFR 3833 *et seq.*

Form 3830-1—*Certification of Exemption from Payment of Rental Fee*—is to be used for the "small miner" (43 CFR 3833.0-5(u), 3833.1-6, and 3833.1-7) who is claiming an exemption from payment of the rental fees by performing active exploration of the subject mining claims, or who is producing valuable minerals from the claims within the dollar limits prescribed by the Act of October 5, 1992.

The form will be printed in pads of 50 and mailed from the Service Center directly to each State Office.

Action required: Each State Office will send an appropriate number of form pads to each District and Resource Area Office. The form must be fled with the appropriate State Office no later than August 31, 1993, by those claiming an exemption from payment of the rental fees.

Timeframes: Immediate. The statutory filing date for claiming an exemption is August 31, 1993. Forms are to be distributed immediately upon receipt to all field offices for use by the mining claimants.

Budget Implications: None.

Manual/handbook sections: If Congress extends the rental fee legislation in the 1994 Interior Appropriations Act (it currently expires on September 30, 1994), then the 3833 Manual will be updated to reflect the new regulations and form.

Coordination: Usual channels.

Contacts: Roger Haskins WO 660/NV 920 at (702) 785-6564 or Frank Bruno WO 660 at (202) 653-5182.

HILLARY A. ODEN,
Assistant Director,
Energy and Mineral Resources.

INSTRUCTIONS FOR COMPLETING CERTIFICATION OF EXEMPTION FORM

1. This certification is made under the provisions of the Act of October 5, 1992 (106 Stat. 1374 [1992]), and §1744 of Title 43 and §28-28e of Title 30 of the United States Code, and the regulations thereunder (43 CFR 3833 and 3850).

2. A separate certification must be made for each assessment year for which an exemption is sought.

3. The claimant(s) must-fill in the dates in the first paragraph for the beginning and ending of the assessment year for which the exemption is sought.

4. The name of the State in which the claims are located must be filled in by the claimant(s). If the claims are located in more than one State, a separate exemption form must be filed for each State in which the claims are held. The aggregate of claims listed on separate forms cannot exceed ten.

5. The claimant(s) must identify the Agency (Federal, State, or local) which has issued a Notice, Plan of Operations, or other qualified permit covering the claims for which the exemption is sought, and supply the Agency serial number assigned.

6. If the claims are in separate blocks, and the blocks have different Notices, Plans, or permits assigned to them, a separate exemption form is required for each block.

7. All claim names and BLM serial numbers must be listed for the mining claims for which the exemption is sought

8. Each commodity and its gross dollar value produced during the assessment year must be individually listed, if your claim is in production.

9. All owners of the mining claims and their addresses must be listed.

10. This form must be signed by all of the owners or their designated agent, and the signatures notarized. A notarized designation of agent, signed by all of the owners, must be submitted with this certification, if agent is designated.

11. This form must be filed no later than August 31, 1993, in the BLM State Office where the mining claims are recorded, or the exemption cannot be granted by the BLM for the assessment years 1993 or 1994.

12. If the exemption cannot be granted, and the rental fees have not been paid by August 31, 1993; the statute (106 Stat. 1374) requires that the above mining claims be declared abandoned and void.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with the information required by this required certification of exemption from rental fees form.

Authority: 30 U.S.C. 28-28e; 43 U.S.C. 1201, 1740, and 1744; and the Act of October 5, 1992 (106 State. 1374); 43 CFR 3833 and 3850.

Principle purpose: This information is to be used to verify that the owner(s) of a mining claim has complied with the Act of October 5, 1992, and is entitled to perform assessment work in lieu of paying the rental fee for the mining claim listed on this form.

Routine use: (1) Adjudication of the claimant(s) certification of exemption from paying the rental fee otherwise required by the Act of October 5, 1992 (106 Stat. 1374). (2) Disclosure may be made to appropriate Federal agencies when location is made within the agency's geographic area of responsibility. (3) Information from the record and/or the record will be transferred to the appropriate Federal, State, or local agency, or a member of the public in response to a specific request for pertinent information. (4) Information may also be provided in the Department of Justice or in a proceeding before a court or adjudicative body; or to Federal, State, local or foreign agencies when needed for enforcement of civil or criminal codes or applicable regulations concerning title rights upon the public land.

Effect of not providing information: Disclosure of this information is requested by the Act of October 5, 1992 (106 Stat. 1371) and 43 CFR 3833 for those owner(s) wishing to take the small miners exemption allowed under 43 CFR 3833 and 3850. Failure to supply the information required in this form to support the owner(s) certification of exemption from payment of the otherwise required rental fees will result in the exemption being disallowed and the mining claims declared abandoned and void by the Bureau of Land Management (BLM).

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) requires us to tell you that:

This information is being collected to allow the BLM to determine if you qualify for an exemption from the payment of $100 per mining claim or site rental fee established by the Act of October 5, 1992 (106 Stat. 1374) and the implementing regulations at 43 CFR 3833 and 3850. A response to this request is required in accordance with the statute (106 Stat. 1374) to retain your benefit.

BURDEN HOURS STATEMENT

Public reporting burden for this form is estimated to average 5 minutes per response, including time to review instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate, or any other aspect of this form, to the Department of the Interior, Bureau of Land Management, Information Collection Clearance Officer (871), 1849 C Street, N.W. Washington, D.C. 20240;

and the Office of Management and Budget, Paperwork Reduction Project (1004-0114), Washington, D.C. 20503.

MINING REQUEST AWAITS FOREST OK

GREYBULL.—A Sheridan man has asked the Bighorn National Forest for permission to develop his mining claim northwest of Burgess Junction by using hand tools to explore for gold, silver and platinum a forest spokesman said.

Forester Melissa Martin of the Bighorn said it may be next year before the forest provides a public comment period on William Shoster's proposal.

Martin said Shoster's claim, obtained through the Bureau of Land Management, is for an area along Dayton Gulch Road that includes historic cabins and a mining flume used in the 1920s.

The site may be eligible for inclusion on the National Register of Historic Places," Martin said. He added that forest officials are working with Shoster to develop a master plan to minimize damage to existing buildings.

His claim involves about 20 acres, but the actual mining operation would only involve one to five acres. He would use only hand tools, she said.

The only other mining activity in the area is a silver and titanium mining operation southeast of Burgess Junction being conducted by Richard Cosgrove of Utah, Martin said.

FOREST SERVICE TIMBER AND ROAD BUILDING POLICY

Mr. BAUCUS. Mr. President, I want to speak briefly on the matter of Forest Service timber and road building policy as set out in this bill. I believe the policy outlined here is sound and forward-looking and should be strongly supported when the appropriations bill goes to conference.

The administration's 1994 budget for the Forest Service included a $46 million cut directed against timber programs that fail to make money—below cost timber sales. This cut is part of a 4-year plan to eliminate below cost timber sales on all national forests.

While below cost timber sales are an issue that we need to deal with, the solution to the problem is not to simply eliminate all timber programs that lose money. Such an approach cripples the many forests that need timber programs to carry out legitimate management objectives, prevents the Forest Service from successfully shifting to ecosystem management, and throws thousands of people out of work.

The issue here is twofold:

First, it is a jobs issue. In the State of Montana, nearly 4,000 people are directly employed by commercial timber harvesting on our national forests. Nationwide that number is in excess of 20,000.

The second issue concerns change. Just as the administration is beginning to look at how to reinvent government, the Forest Service timber program needs to be reinvented so it is more fiscally accountable; so that it does not compromise other uses on the land; and so that it is more ecologically responsible.

During the past several months I worked with several of my colleagues to set a framework for funding the Forest Service timber and road building programs in a way that is more environmentally and fiscally responsible. In working with the administration, we developed two initiatives, both of which are reflected in this bill. These initiatives require the Forest Service to become more cost efficient and demands that they move quickly to ecosystem management.

The first proposal requires the Forest Service to do what the private sector has already done—tighten their belt. Savings can be found if the Forest Service consolidates programs between forests, streamlines timber sale preparation procedures, and rearranges timber sale schedules to better meet market demands. Savings can also be found by eliminating 1,500 surplus positions in the Forest Service. Our proposal suggests providing incentives for early retirement so that this downsizing might be accomplished as quickly as possible.

The second proposal concerns timber road construction. Plain and simple, the Forest Service's road policy is no longer makes sense. Since 1976, the Forest Service has built over 100,000 miles of expensive, permanent roads on our national forests. The national forest system road network contains over 360,000 miles of roads.

Anymore, these roads are built for a single purpose, such as accessing timber, and are either closed to public use or public access is restricted. At an average cost of $20,000 per mile, permanent roads are expensive, do not serve the general public, impact fish and wildlife populations, degrade watersheds, fragment forest ecosystems, and are just plain unsightly.

Our proposal, which is included in this bill, recognizes that timber roads need to be built at the minimum standard necessary to protect the environment and reclaimed to the original contour of the land when they are no longer in use. Temporary roads lay lighter on the land and are, in many instances, less expensive than permanent roads. This makes sense for the taxpayer and the environment.

In closing, if we want our national forests provide good timber jobs and at the same time, have healthy wildlife populations, clean streams and lakes, and provide a wide variety of recreational opportunities, then we must look carefully at the problems that currently confront the Forest Service and search for innovative and responsible solutions. I believe the forest Service timber and road budget in this bill reflects just such an approach.

WHITE CLAY CREEK

Mr. BIDEN. Mr. President, I would like to take this opportunity to discuss the White Clay Creek study that is funded under the National Recreation and Preservation Program of the Park Service.

The White Clay Creek watershed, covering parts of Delaware and Pennsylvania, possesses substantial ecological and recreational values deserving of the protection that wild and scenic river designation can provide. Funding for a wild and scenic river eligibility study was included in last year's Interior appropriations. The committee's report specifically referred to the project under recreation and preservation programs.

Funding for fiscal year 1994 has been included in the program budget. However, this year's report does not specifically name the White Clay Creek study under the program. That is why I wish to clarify the Interior Appropriations Subcommittee's continuing support for the study's funding. I thank the chairman for his assistance in assuring the study's progress. Timely completion of the comprehensive study of the White Clay Creek watershed is critical to wild and scenic river designation.

Mr. BYRD. It is the committee's understanding that the Park Service's national recreation and preservation budget includes sufficient funding for the continuation of the study. Because funding for the study was directly incorporated into the Park Service's budget, the committee was not compelled to specifically reference it in the report. I assure the Senator of our support for this important study.

Mr. BIDEN. I thank the distinguished Senator from West Virginia for the committee's support and for his assistance in clarifying the committee's intentions toward the White Clay Creek study.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mrs. FEINSTEIN. I would like to engage the distinguished Senator from West Virginia in a colloquy regarding an item of great importance to the San Francisco Bay area and the State of California. The San Francisco Bay National Wildlife Refuge, established by Congress in 1972, now compromises over 18,000 acres of wetlands. As you know, wetlands provide habitat critical for many endangered species. In the bay area these include the salt march harvest mouse and the California clapper rail. Preservation of this habitat is especially vital for the clapper rail which now numbers less than 500.

The House of Representatives has provided in its version of the Interior and related agencies appropriations bill $2.5 million for land acquisition for the San Francisco Bay Area Wildlife Refuge and this is the amount that was provided in fiscal year 1993. Unfortunately, because of the budget restraints on the committee there were no funds provided for the San Francisco Bay National Wildlife Refuge for fiscal year 1994. Therefore, I would like to request that the Senator from West

Virginia consider adopting the House position with regard to the San Francisco Bay National Wildlife Refuge during conference negotiations on this bill.

Mr. BYRD. I understand the concern of the Senator from California regarding the land acquisition for the San Francisco Bay National Wildlife Refuge. As she says, the committee faced especially difficult constraints this year for land acquisition, and was unable to fund many worthy projects. I assure the Senator, however, that I will give every consideration to her request when we conduct negotiations with the House.

THE GALLATIN LAND EXCHANGE

Mr. BAUCUS. I would like to express my appreciation for this bill and commend the chairman for the hard work it represents, and I would like to urge the chairman to consider the importance of the Gallatin land exchange when he leads this bill through conference committee.

For over a decade, negotiations have been ongoing between the U.S. Forest Service and Big Sky Lumber Co. to accomplish the exchange of approximately 81,000 acres of lands north of Yellowstone National Park.

This exchange is essential to the greater Yellowstone ecosystem. The land possesses outstanding natural characteristics and wildlife habitats and the exchange represents perhaps the last opportunity for the Federal Government to acquire and protect some of the most beautiful and pristine land left near Yellowstone Park.

The Congress has taken important steps forward by passing legislation authorizing the exchange in the House and through the Senate Energy and Natural Resources Committee.

S. 489 is pending before the full Senate, and I am hopeful it will pass this week through the Senate under a unanimous-consent agreement. The passage of this legislation is critical, however, the exchange cannot be implemented without the required funding for public acquisition. The amount needed is $5 million.

Mr. BYRD. The administration requested $1 million for land acquisition in the Gallatin National Forest and $3 million was added by the House Appropriations Committee. The Senate Appropriations Committee included $1.5 million for this exchange.

Mr. BAUCUS. In order to facilitate the exchange the amount needed to compensate Big Sky Lumber will be closer to $5 million, for that reason I urge the Chairman to recede to the House during conference committee for the purpose of the Gallatin land exchange.

Mr. BYRD. The Senator is well aware of the difficult problems we will face in conference on this bill, and I will give this issue every consideration when the Appropriations Committees meet in conference.

Mr. BAUCUS. I thank the chairman.

MAINTENANCE OF ROADS IN CHECKERBOARD AREAS

Mr. BINGAMAN. It has come to my attention that in checkerboard areas, in which Indian lands and county lands are interspersed, problems sometimes arise in determining how road maintenance responsibilities should be allocated. In the northwest corner of New Mexico, for example, both San Juan and McKinley Counties have had this difficulty in recent years. San Juan County, Navajo Nation, and BIA officials appear to be making progress on this issue, while the future of the problem in McKinley County is at this point unclear. It appears to me in cases such as these the Indian government, the relevant local government, and the Bureau of Indian Affairs should work together to ensure that road maintenance is accomplished in a fair manner. Is it the understanding of the distinguished chairman that the Bureau of Indian Affairs would do well to do all that is within its authority to encourage agreements and memoranda of understanding that lead to an efficient and equitable use of road funds for that purpose?

Mr. BYRD. That is my understanding.

Mr. BINGAMAN. I thank the chairman of the committee.

VIRGINIA CITY, MT

Mr. BAUCUS. I would like to thank the chairman and express my appreciation for this bill, and I would like to urge the chairman to consider the importance of a national historic treasure, Virginia City, MT, when he leads this legislation through the conference committee.

Included in the National Park Service section of this bill is a feasibility study regarding the protection of and management alternatives for this National Historic Landmark.

Virginia City is an early territorial capital dating back to the Gold Rush of 1863. The essence of Virginia City has been preserved like no other place of its time. Five historic outlaws lie buried on Boot Hill above town; buildings remain remarkably undisturbed as they were more than a century ago.

Virginia City's future, however, is threatened. This town is on the National Trust for Historic Preservation's list of the 11 most endangered places. Montana's severe weather threatens fragile buildings; economic pressures threaten to put historic artifacts on the action block and sold. Time is our enemy and to allow this historic jewel to be lost forever, or fall into decay and disrepair, would be an injustice.

I seek the chairman's assistance to see that funding for this study, as well as an appraisal of these historic buildings and their contents, is preserved in conference committee and the study is completed by the Park Service as quickly as possible.

Mr. BYRD. Initially, the administration requested $110,000 for a feasibility study of Virginia City and this was subsequently revised to $74,000. The Senate Appropriations Committee included $74,000 for this study. The House Appropriations Committee earmarked $150,000 for this study.

Mr. BAUCUS. In order to complete this study and appraisal this year, I believe the full $150,000 is required. For that reason I urge the chairman to recede to the House during conference committee for the purpose of the Virginia City study.

Mr. BYRD. The Senator is well aware of the difficult problems we will face in conference on this bill, and I will give this issue every consideration when the Appropriations Committees meet in conference.

Mr. BAUCUS. I thank the chairman.

MAMMOTH CREEK ROAD

Mr. HATCH. Last year, the Department of the Interior appropriations bill included funding for the reconstruction and paving of the Mammoth Creek Road in the Dixie National Forest of Utah. This road will serve as a major forest arterial connection between Utah State highways 14 and 143. The project is compatible with the Dixie National Forest Land and Resource Management Plan and is supported by local users, private land owners, local businesses, and county and local governments.

Congress recognized that improving the Mammoth Creek Road will provide greater opportunity for recreational activities within the Dixie National Forest, which are limited due to the lack of properly constructed, all-weather roadways. With visitation on the rise in the Dixie National Forest, it is important to keep as much area of the forest as possible open and accessible to the local community and nature enthusiasts.

For this reason, Senator BENNETT and I requested additional funding in this year's appropriations bill to keep this important project viable. Because of budget constraints, the Interior Subcommittee was unable to provide funding for this year.

Mr. BENNETT. I would note for the record that a finding of no significant impact was recently determined by the Dixie Forest supervisor for the Mammoth Creek Road project. This means that an environmental assessment will not be required to complete it. Not only is the project necessary for all the reasons cited by Senator HATCH, but it is being done with strong sensitivity to the environment.

Mr. HATCH. I thank my colleague from Utah for mentioning that important point. In order to keep the Mammoth Creek Road project going forward, we believe a reprogramming of recreational road funds to be allocated to the Forest Service's region four in fiscal year 1994 is warranted. I would

ask the distinguished senator from West Virginia if he would support a reprogramming of funds to continue this worthwhile project.

Mr. BYRD. The Senator is correct when he states that the Interior Subcommittee worked with very constrained budgets on this year's Interior bill. Providing funding for the Mammoth Creek Road was one worthwhile project which, unfortunately, did not receive funding. I would ask the senior Senator from Utah to elaborate on where a reallocation can occur within region four to continue with this project.

Mr. HATCH. I would suggest to the Senator from West Virginia that region four be instructed to reprogram the outstanding balance from the fiscal year 1994 out-year administrative and support funds otherwise available to Utah to the Dixie National Forest to continue work on the Mammoth Creek Road. This account is primarily utilized for overhead and construction engineering. Reprogramming the balance of Utah's allocation of this account should amount to a figure of $100,000.

Mr. BYRD. I believe that this request is reasonable. It uses funds proposed for Utah for other Utah projects. On that basis, I will not object to this proposed reallocation.

Mr. NICKLES. If the Senator would yield, I, too, believe this suggestion from the Senator from Utah is reasonable and deserves our support. I am aware of the importance of the Mammoth Creek Road to the Dixie National Forest and the surrounding communities and believe this important project should be continued. Therefore, I support the reprogramming request by the Senator from Utah.

Mr. HATCH. On behalf of Senator BENNETT, I thank the distinguished chairman of the Appropriations Committee and the Senator from Oklahoma for their understanding on this matter and their support for this reprogramming request.

AROOSTOOK BAND OF MICMACS

Mr. MITCHELL. Mr. Chairman, I commend you for the bill you have brought to the floor today. Within very tight fiscal constraints and with numerous critical needs to be met, the Interior Committee, under your leadership, has met the challenge and reported an excellent bill.

I am very pleased the subcommittee included in the bill $333,000 in the Indian Health Service [IHS] facilities account for the Aroostook Band of Micmacs. These funds are critical for the development of adequate health services for band members.

As you know, the Aroostook Band of Micmacs reside in northern Aroostook County, in the vicinity of Loring Air Force Base. The base was included on the 1991 base realignment and closure list and will cease functioning as an Air Force facility in September 1994. Located on the base is an excellent 30-bed hospital and medical facility which has been recently renovated and is considered state-of-the-art. It is important to area residents that this facility be maintained, and the Aroostook Band of Micmacs have indicated their interest in securing and operating the facility.

It is my understanding that in addition to the funds appropriated for the band in the IHS' facilities account, the committee also intends for the Indian Health Service to cooperate with the Aroostook Band of Micmacs and the Loring Development Authority to address the economic feasibility of securing the Loring hospital facility for use as a tribal health facility. Is my understanding correct?

Mr. BYRD. I appreciate the Senator from Maine's question, and assure him that his understanding of the situation is indeed correct. As has been done in past cooperative efforts, the committee expects the Indian Health Service to offer its services to the tribe to conduct an in-house economic feasibility study of securing the Loring hospital facility for use as a tribal health facility. The committee looks forward to the results of this study to aid in future decisions made regarding the provision of health services for tribes in the Northeast.

Mr. MITCHELL. I thank the distinguished chairman for clarifying this issue for me, and I also appreciate his support of the Aroostook Band of Micmac's effort to determine the feasibility of securing this facility. I know the senior Senator from Maine, Senator COHEN, also has a question on this provision, and I appreciate the chairman's patience and clarification of this issue.

Mr. COHEN. I, too, appreciate the efforts by the distinguished chairman of the Appropriations Committee to craft a fiscally responsible bill that addresses the needs of the many agencies over which the committee has jurisdiction. I'm also very pleased that the needs of the Aroostook Band of Micmacs were addressed in this bill.

As the chairman and ranking member know, the closure of a military facility anywhere in the country has serious repercussions for the local economy. In the case of Loring Air Force Base, which is located in a very remote area of northern Maine, the impact will be devastating. Every effort is being made to find productive uses for the existing facilities.

The Loring Development Authority strongly supports the band's efforts to use the medical facility at Loring after the base's closure in 1994. The band has made clear its intention to work with others in the Loring community, including but not limited to the Loring Development Authority, to explore the possibility of keeping the hospital open so that it will continue to benefit local residents. Such an effort has the potential to not only aid in health care for Native Americans in the Northeast, but can also potentially mitigate the negative impact closure of the base will have on the surrounding communities.

I would like to clarify one point. Should the band wish to expand upon the in-house study to be conducted by the Indian Health Service, would the committee object to the band using additional resources from within the $330,000 appropriation for facilities? Am I correct in my understanding that such an expenditure of the appropriated funds would be consistent with the committee's intention?

Mr. NICKLES. The senior Senator from Maine's understanding is correct. The funds provided in the facilities account are to be expended to address the numerous situations where an expansion of the Service Delivery Program is precluded by current space constraints. The funds recommended in the facilities account are to be used for one-time expenses associated with the expansion of space, and the use of such funds by the Micmacs to expand on the IHS in-house study is entirely consistent with the committee's intent.

Mr. COHEN. I appreciate the clarification, and speaking for both the Majority Leader and myself, we appreciate the committee's efforts to assist the Aroostook Band of Micmacs, in consultation with the Loring Development Authority, in conducting a feasibility study on the reuse of the Loring medical facility.

TIMBER SALES IN ARKANSAS

Mr. COCHRAN. Mr. President, the Interior bill included language regarding timber sales on two National Forests in Arkansas. Under these provisions, the Commercial Timber Sale Program on the Ozark-St. Francis and the Ouachita National Forests could continue as envisioned in the recent supplements to the forest plans. Under these provisions is it expected that the agency would work to reduce the use of clearcutting and not permanently alter the species composition of the forest?

Mr. BYRD. It is my understanding that the programs would continue as called for under the plans.

Mr. COCHRAN. Further, is it the committee's expectation that the words "permanently and substantially" in the second Arkansas provision would specifically allow the temporary manipulation of the forest stands as caused by commercial timber production?

Mr. BYRD. The Senator is correct, such manipulation could be done so long as it is consistent with the objectives stated in the language.

Mr. NICKLES. I assure my friend from Mississippi that the statements he has made about the affect of the provisions in this bill on forest plans reflect my understanding as well.

Mr. COCHRAN. I thank the chairman and the ranking Republican member of the subcommittee for their assurances.

FOREST COMPOSITION

Mr. COCHRAN. Mr. President, as we consider the fiscal year 1994 Interior appropriations bill, I would like to express my strong concerns over language included in the bill which severely limits clearcutting and modifications to forest composition as described in the Forest Service administrative provisions. These are sensitive subjects for many of my colleagues, and I know that the committee and staff worked hard to modify these onerous provisions. They have successfully modified the House language to a limited degree, and I appreciate their efforts.

However, the language addresses a policy question of national forest management, which is clearly a question which should be addressed by the Agriculture Committee. Even more so, Mr. President, this bill provides over $2.3 billion for the U.S. Forest Service, which is charged with the management of our Nation's forest resources. It is not the job of Congress to micromanage this or any other agency.

These provisions clearly insert the Congress into the local operation of the national forests. This confounds Forest Service efforts to comply with goals and objectives publicly agreed to in local forest plans. Today, these provisions address clearcutting and timber management. Tomorrow, a Member may ask for a provision on wilderness or recreation use. How can the agency develop any integrity with the public when we in the Congress disrupt the local plans with each annual appropriations bill? I would suggest that those with differences of opinion on the management of these lands should try the normal processes of public comment when the forest management plans are introduced.

These provisions affect national forests outside my State, but what prevents the agency from taking this two-State precedent and applying it to the entire Forest Service Southern Region, which does include Mississippi?

The Forest Service has made a tremendous effort to improve the management of the national forests. Harvest levels have been severely reduced. The bill before us provides the lowest national forest sales level since 1952. Operational standards and guidelines to protect forest resources during timber harvests have greatly increased in recent years. The agency announced a major reduction in the use of clearcutting last year. It has also complied with Appropriations Committee directions to reduce clearcutting by a substantial amount. These provisions are unnecessary.

Clearcutting and modification of forest stand structures provide the Forest Service with crucial tools for management of the national forests. These tools allow timber production, but they also allow efficient improvement of wildlife habitat and the cleanup of diseased or damaged timber stands. The exact need for stand modifications and timber harvesting is best left to the local professional with knowledge of local conditions striving to meet forest plan goals.

Mr. President, ideally I would like to offer an amendment to strike the provisions related to the Arkansas National Forest and the Shawnee National Forests. However, I recognize that these provisions represent careful compromises, and therefore, I would like to ask the distinguished chairman of the Appropriations Committee for clarifications.

THE SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE

Mr. LIEBERMAN. Mr. President, may I ask the indulgence of the chairman of the Appropriations Committee for just a moment? Mr. Chairman, Senator LEAHY and I have some concerns which we have shared with you previously about language on the Silvio O. Conte National Fish and Wildlife Refuge which is presently included in the Senate's committee report. We have revised language that we would like to see adopted as part of the Statement of Managers. The revised language states:

> The Managers agree that the $500,000 recommended for the implementation of the Silvio O. Conte Refuge Act of 1990 in the Connecticut River Basin will be used primarily to complete the planning process as required by statute. It is the understanding of the Managers that the Conte Refuge represents an opportunity for a new kind of wildlife refuge, one that emphasizes building on existing efforts to protect the ecosystem and on cooperative agreements between state, local, federal agencies, private landowners, and nonprofit foundations and citizen organizations.

Mr. LEAHY. Would the distinguished Senator from Connecticut yield?

Mr. LIEBERMAN. I would be happy to yield to my friend from Vermont.

Mr. LEAHY. Mr. President, I also appreciate the distinguished chairman's attention to this matter. Senator LIEBERMAN and I are in agreement that the Silvio O. Conte National Fish and Wildlife Refuge presents the U.S. Fish and Wildlife Service an opportunity to create a refuge and protect an ecosystem without relying solely on traditional methods of large-scale land acquisition. I appreciate Senator LIEBERMAN's sensitivity to the particular concerns of some of my constituents on this matter. We have some impressive success stories in the Connecticut River Valley through the efforts of the Joint River Commissions, and I look forward to seeing more of these innovative and localized approaches to ecosystem protection. Senator LIEBERMAN and I are in agreement that the revised language that we've submitted to you supports our views, and we respectfully request that it be included in the Statement of Managers.

Mr. BYRD. Mr. President, I understand that Senators LEAHY and LIEBERMAN have worked this out between them, and I am happy to take to conference with the House their language concerning the Conte refuge.

SPECIAL FOCUS AND NEW PARKS; TRAILS

Mr. LEVIN. Mr. President, if I could have the attention of the distinguished manager of the bill, the President pro tempore, for just a moment, I would like to discuss two provisions that are included in the committee's report to accompany H.R. 2520.

First, the bill, as reported, would provide a lump sum of $19,400,000 for special focus and new parks in fiscal year 1994. The administration had originally requested approximately $40 million for these parks, but apparently due to budget constraints the committee was unable to provide the full amount.

As the Appropriations Committee chairman knows, I am particularly interested in the $300,000 that the administration had originally requested for the first year of funding for the Keweenaw National Historical Park. This is a park of national significance that took many years to authorize and now deserves to be adequately funded for planning purposes, at least, and for the establishment of an advisory commission.

Mr. President, I would ask the Senator from West Virginia whether or not the Keweenaw National Historical Park will still have, under the language of the Senate version of H.R. 2520, the opportunity to obtain those $300,000?

Mr. BYRD. Mr. President, I would say to the Senator from Michigan that the Keweenaw National Historical Park will have the chance to receive those funds if the administration believes that the park is deserving of them when the lump sum is distributed. The committee has specifically not included any language which would preclude consideration of the park when the National Park Service makes its funding distribution.

Mr. LEVIN. Mr. President, I have a second question for the chairman, regarding Trails. I am a strong proponent of completing the North Country National Scenic Trail and have urged the chairman several times to provide increased funding for the National Trails System. So, I am delighted to see that the committee's report recommends an increase for the National Trails System of $750,000. Unfortunately, there are two provisions in the committee report that appear to diminish the positive effect of this increase. The increase, according to the National Park Service, would be distributed to the various national trails through an objective and merit-based selection process. However, both provisions appear to

earmark funds for specific trails without regard to such a process.

I would appreciate some clarification from the manager on this point, in particular. Does the committee's report recommend reducing the $750,000 general increase for the National Trails System, which is already affected by the earmark for the Sante Fe Trail, by an additional $300,000 for the New Jersey coastal heritage trail, which is not a recognized national trail?

Mr. BYRD. Mr. President, the committee report provides that within available funds from the park support account, $300,000 will be provided for the New Jersey coastal heritage trail. This language should be interpreted to mean that the funds should come from the general park support account and not from those funds explicity designated by the committee, such as the $750,000 increase for the National Trails System.

Mr. LEVIN. Mr. President, I thank the Senator for his assistance in clarifying these matters.

Mr. KOHL. Mr. President, I thank the Senator from Michigan for raising these funding concerns regarding the National Trails System, which I share. He and I have worked in cooperation to draw attention to the need for increased overall funding for the National Trails System. I greatly appreciate the chairman's efforts to increase the long distance trails funding by $750,000 in the fiscal year 1994 Interior appropriations bill.

To further clarify this issue, it is my understanding that it is the intent of the Senate Appropriations Committee that the increase would be dedicated exclusively to those trails designated by the National Trails System Act (Public Law 90-543), as amended. I would ask the chairman of the committee if that was the intent.

Mr. BYRD. Mr. President, it is the committee's intent that the $750,000 increase for the National Trails System be used exclusively for those trails designated by the National Trails System Act, as amended.

Mr. KOHL. I thank the Senator from West Virginia for that clarification, I would like to add that there has been a joint effort by many Senators to increase the overall funding for the National Trails System as a whole, instead of having Senators work individually to fund their own favorite trails. Because the National Trails System Act of 1968 envisioned these long distance trails as an integrated, national system, our efforts have focused on the need for a national, rather than parochial, approach to funding, as well. It is for this reason that I am extremely disappointed that $150,000 of the $750,000 increase has been earmarked for the Santa Fe Trail in the Senate bill. It is my strong hope that as the fiscal year 1994 Interior appropriations bill goes to conference, the Senate conferees will recede to the House on this issue, and eliminate any earmark in long distance trail funding.

Mr. LEVIN. Mr. President, I would like to echo the sentiments of the Senator from Wisconsin. As he indicated, we have been working on increasing funds for the entire National Trails System. And, I would like to urge the chairman of the Senate Appropriations Committee to maintain his support for special focus and new parks funding at the maximum amount possible. And, I hope he will keep a kind eye on the Keweenaw National Historical Park, so that no harm befalls it during conference.

Mr. BYRD. I thank both Senators for their interest and will keep these issues in mind as we go to conference on this bill.

ADDITIONAL FTE'S AT ACE BASIN NATIONAL WILDLIFE REFUGE

Mr. HOLLINGS. Mr. President, I would like to bring to the Senate's attention a serious problem regarding the staffing level at the ACE Basin National Wildlife Refuge in South Carolina. The ACE Basin Refuge was created in the late 1980's and its acreage has expanded rapidly in recent years. The refuge currently encompasses 9,695 acres, and negotiations are underway for further expansion. So in the near future the refuge will easily exceed 10,000 acres.

The Fish and Wildlife Service is doing a fine job in seizing every opportunity to expand the refuge, however this expansion has not been matched with personnel resources to oversee it. Currently, there are only three full-time employees staffing the refuge and one of those is strictly clerical. These three are responsible for assembling and managing almost 10,000 acres currently in the refuge as well as the additional lands that will be added in the near future.

Mr. BYRD. I would note that the distinguished chairman of the Commerce Committee is correct. My understanding is the ACE Basin Wildlife Refuge has only three full-time employees, and only two of those are engaged in hands-on management of the refuge.

Mr. HOLLINGS. Mr. President, managing a wildlife refuge is a difficult task even when the refuge is in top condition. However, in the case of ACE Basin, the refuge is being created anew out of a number of long-neglected plantations. Due to this past neglect, a multitude of renovations and improvements are necessary to restore the refuge. In addition, a comprehensive management plan must be implemented. Complicating matters further is the fact that the ACE Basin is a far-flung refuge, whose tracts are noncontiguous, separated by more than 30 miles. We are kidding ourselves if we pretend that three people, even allowing for their dedication and long hours, can adequately oversee such a vast refuge.

Mr. BYRD. Mr. President, the Senator highlights a growing problem. As demand for new acquisitions, whether for new or expanded refuges, increases, the operating budget for the refuge program must try to keep pace. We have attempted in this bill to address this, and similar situations, by providing additional funds for refuges and wildlife. In allocating its resources, the Service should take into account the needs at these new and expanded refuges, and consider a strategy in its fiscal year 1995 budget for how best to meet these requirements while continuing to fulfill its responsibilities at existing refuges. Supporters of our fish and wildlife resources should also understand that the tight budget projections for the next few years will likely make this situation even more critical.

Mr. HOLLINGS. I appreciate the comments of the chairman. I know how difficult it is to balance the competing demands in the Interior bill. The subcommittee continues to try and allow for both, which I believe is desirable. The ACE Basin National Wildlife Refuge has been one of the Fish and Wildlife Service's top acquisition priorities despite tight budgets, and I am sure it will continue to rank high because, as the largest undeveloped wetland ecosystem along the east coast, it is an irreplaceable resource.

TAHOE TALLAC FOREST SERVICE FUNDING

Mrs. FEINSTEIN. I would like to engage the distinguished Senator from West Virginia and the distinguished Senator from Nevada in a colloquy regarding an item of importance for the Tahoe Tallac Historic Site and the State of California and Nevada. The Tahoe Tallac Association is working cooperatively with the Forest Service to develop a master plan for the use and rehabilitation of the 74 acres of forested lakeshore property that is now included in the National Register of Historic Sites. The Interior Subcommittee has been generous in recommending that $425,000 be provided to Tahoe Tallac for its activities. One of Tahoe Tallac's top priorities in the plan for the historic site is the restoration of the Valhalla Boathouse. I would ask that consideration be given to the use of these funds for this purpose.

Mr. REID. Would the Senator from California be in agreement that the $425,000 included by the committee be divided equally between the Tahoe Tallac Historic Site and the restoration of the Valhalla Boathouse?

Mrs. FEINSTEIN. That would be acceptable to me if it is acceptable to the committee.

Mr. BYRD. I appreciate the remarks of the Senator from California and the Senator from Nevada regarding the use of funds for Tahoe Tallac. The committee has no objection.

Mr. NICKLES. As ranking minority member, I am in concurrence with the chairman.

TECHNOLOGY ASSISTANCE SERVICE

Mr. BAUCUS. Senator BURNS and I would like to thank the chairman for this bill, and we would like to clarify the funding for the National Appropriate Technology Assistance Service [NATAS]. It is our understanding that NATAS has received $1.4 million through the fiscal year 1994 Interior appropriations bill as part of the funding provided for the Energy Conservation Program of the Department of Energy. Is that the understanding of the chairman?

Mr. BYRD. The fiscal year 1994 Interior appropriations bill has included the $1.4 million for the National Appropriate Technology Assistance Service as proposed by the administration in its budget request.

Mr. BURNS. The NATAS program has been run successfully from its inception by the nonprofit organization, the National Center for Appropriate Technology [NCAT]. Is it the Chairman's intent that this program should continue to be administered by NCAT to ensure continued quality?

Mr. BYRD. Yes, it is the intent of the Committee that the National Appropriate Technology Assistance Service continue to be managed by the National Center for Appropriate Technology as indicated in the administration's budget request.

Mr. BAUCUS. I thank the chairman. NCAT has demonstrated good innovation and solid technical support and has received special acknowledgment by consumers and industry alike. We appreciate the support of the chairman and the committee.

SOLICITOR'S OFFICE

Mr. COHEN. Mr. Chairman, I would like to express my appreciation for the bill that you have brought to the floor today. As you know, this legislation contains funding for the salaries and expenses of the Solicitor's office of the Department of the Interior.

I wanted to bring to the chairman's attention an issue pending in the Interior Department's Solicitor's office. It is an issue that needs resolution as quickly as possible.

Over a year ago, the Solicitor's office determined that it had responsibility for representing the Penobscot Indian Nation in hydroelectric dam relicensing proceedings before the Federal Energy Regulatory Commission [FERC]. In April of this year, the Department stated to FERC that there was a question as to whether the Penobscot Tribe holds title to the islands in the Penobscot River in Maine, and that it is "currently reviewing the extent and nature of the Nation's landholdings in Maine." I and other members of the Maine congressional delegation asked the Department to indicate what that review entails and what the Solicitor's office has done to complete that review, and after some initial problems we have begun to see some actions taken to answer our questions.

I remain concerned, however, that the work needed to be done on this matter may not receive the priority attention it deserves by the Solicitor's office and the Bureau of Indian Affairs [BIA], and this is not fair to current landowners, to the Penobscot Indian Nation, or to the State of Maine.

It is my understanding that the Committee expects the Department to proceed to resolve the question of ownership of the islands in the east and west branches of the Penobscot River upstream of the town of Mattawamkeag, ME, with a target date of completion of its legal analysis by October 1, 1993, and any subsequent work by the end of this calendar year, December 31, 1993. Is my understanding of this correct?

Mr. BYRD. I thank the Senator from Maine for bringing this matter to the committee's attention and want to assure him that his understanding of the committee's expectation of the Solicitor's office and the Bureau of Indian Affairs is correct. The committee agrees with the Senator that this is an important issue that must be resolved as quickly as possible.

Mr. COHEN. I thank the distinguished chairman for his help on moving this issue to resolution. As he is aware, in 1980 Congress approved the Maine Indian Claims Settlement Act in order to settle the claims by Indian tribes to land in Maine. The questions raised by the Department of the Interior as to the ownership of the islands in the Penobscot River has created some concern in my State, and the sooner it is resolved, the better.

Mr. MITCHELL. I, too, appreciate the comments of the distinguished chairman of the committee as well as his efforts at encouraging the Department of the Interior to resolve this issue in the near future. In addition to the concerns raised by my colleague from Maine, I would also like to point out that the questions raised by the Department of the Interior have caused the Environmental Protection Agency [EPA] to call into question the ability of the State of Maine to issue water quality certifications under the Clean Water Act. So, the issues involved here are not trivial ones, and it is in everyone's best interest to have them resolved as soon as possible.

Mr. NICKLES. The majority leader raises a very good point, and the committee fully expects that the Department of the Interior will work to answer these questions before the start of the next fiscal year.

Mr. MITCHELL. I appreciate the support of the Senator from Oklahoma, in addition to that of the chairman. We will continue to work with them to ensure that this matter is handled expeditiously by the Solicitor's office and the BIA.

Ms. MOSELEY-BRAUN. As we consider the fiscal 1994 Interior and related agencies appropriations bill, I would like to call attention to a very important fossil energy research initiative important to my State of Illinois, the mild gasification process unit. Funding for the mild gasification process unit was not included by the Senate Appropriations Committee, and I would like to take a moment to share with my colleagues the reasons why this project should receive continued funding.

Through a competitive solicitation of the Department of Energy in fiscal year 1991, a team headed by Kerr McGee Coal Corp. and the Institute of Gas Technology in Chicago was selected to test a mild gasification technology design upgrade at the Coal Development Park at Southern Illinois University.

In mild gasification, marginally marketable coals are heated at moderate temperatures and pressures to produce a slate of gaseous fuels, liquid hydrocarbons, and a solid product known as char—all of which can be sold commercially.

The primary product of this effort is char. Produced from coals from Illinois, Wyoming, and West Virginia, char can be briquetted into a high-value metallurgical-grade coke for use by a U.S. steel firms and foundries. Currently, these industries use a coke which soon will be prohibited by the Clean Air Act. The char produced by the mild gasification process is an environmentally acceptable fuel that the steel industry can use to replace regular coke. Char production will also reduce the need to import metallurgical-grade coke, and will open significant new markets for lower grades of coal. States with wet coals and coals with high sulfur content stand to benefit from the economic options that will result from the research conducted at the mild gasification process facility.

Above all, the unique design of this facility has a distinct advantage over other mild gasification designs in that it can be upgraded to a commercial production level within an acceptable cost range.

To date, Congress has provided approximately $6 million of this $18 million initiative. The State of Illinois contributes 20 percent of the total project cost. During consideration of the fiscal year 1994 Interior appropriations bill, the House provided $5 million to continue the mild gasification facility; however, no funds were included by the Senate.

Mr. President, this fiscally sound, ongoing initiative has received considerable financial support from State and Federal Government, and private industry. The mild gasification process unit will provide broad benefits to the Illinois coal industry and to our coal industry nationwide. Commercialization of the IGT technology will not only provide a new market for our domestic coals and reduce the reliance of our steel firms on imported coke, but

will introduce a new industry into a severely economically depressed area. Given that the Federal funding match for this research facility is nearly complete, I urge the honorable Senator from West Virginia to give every consideration in conference to providing the necessary funds to complete the mild gasification process facility.

Mr. BYRD. I thank the Senator from Illinois for her comments regarding the mild gasification facility planned for southern Illnois. As I am sure the Senator knows, there are three mild gasification/coal refinery demonstration projects currently being funded by the Department of Energy. Given the budget constraints that the committee was forced to confront, we were simply unable to include the funds needed to initiate construction of a fourth mild gasification facility. I can assure the distinguished Senator, however, that I will give every consideration to this project within the budget limitations that we will continue to face in conference.

LINCOLN ASSASSINS EXECUTION

Mr. SIMON. Mr. Chairman, this past weekend I toured Ford's Theater and the Lincoln Museum. As a Lincoln buff, this was a great experience. In my conversations with those at the museum, including National Park Service employees, I was reminded that those who were convicted of assassinating President Lincoln were executed at a spot now within the boundaries of Fort McNair.

I believe it is appropriate to install a small marker on the site at Fort McNair where the Lincoln assassins were executed. Clearly this was an important moment in our history and one that we should recognize.

Given the chairman's own facility and love of history, I would welcome the chance to work with you, the National Park Service, and the Department of Defense to see that such a marker is installed at the appropriate spot at Fort McNair.

Mr. BYRD. I appreciate the Senator's concern and urge the Park Service to work with the senior Senator from Illinois to address this issue.

WOLVES IN YELLOWSTONE NATIONAL PARK

Mr. BAUCUS. Mr. Chairman, I have reviewed the amendment offered by my colleague from Montana, and I find it acceptable. At the same time, I remain very concerned at the direction we are heading in with regards to wolves in Yellowstone National Park.

I have long believed that if wolves are to repopulate Yellowstone National Park, it should be naturally. Now that this is actually happening, I have reevaluated my position. There is no doubt that Yellowstone National Park and adjoining wilderness will be better off if the wolf returns. As the overgrazed conditions in portions of the park show, these are areas that will benefit from the addition of a new predator. However, we cannot turn a blind eye to potential problems when the wolf leaves the park or the wilderness.

We must take control of the wolf situation and act affirmatively to ensure that repopulation occurs with the minimal conflict to human interests. This means reintroducing wolves as nonessential, experimental populations to allow the Endangered Species Act to operate in the most flexible manner possible. If we cling to the status quo, we will lose the opportunity to be flexible and will have a real problem on our hands.

Mr. BURNS. Mr. Chairman, I appreciate your assistance in this amendment's adoption by the full Senate today. This is a signal to the Park Service that greater importance should be placed on the improvement of Yellowstone's infrastructure than on the reintroduction of the wolf.

My colleague from Montana is correct; wolves are repopulating in Montana and may be migrating into Yellowstone National Park. I have long said that the State of Montana and other wildlife management agencies should take a proactive role in the management of the wolf.

My amendment stopped the creation of two bureaucratic jobs. The creation of new Government jobs is not what Montanans want. They want improvements in the roads, buildings, paths, and other facilities within Yellowstone. This amendment transfers funds to provide the improvement of the infrastructure of our Nation's oldest park.

Mr. BYRD. I have listened to the comments of both of my colleagues, and their concerns will be noted during the conference on this bill.

Mr. NICKLES. The amendment offered by Senator BURNS has been cleared by this side of the aisle.

THE EAST EVERGLADES WATER DELIVERY

Mr. MACK. Mr. President, I come to the floor today to speak for a moment about protecting a national treasure, the Everglades and Florida Bay. And I would also like to make an inquiry of the floor managers as to the utilization of moneys appropriated for the East Everglades modified water delivery.

First let me say I believe the Everglades to be a crown jewel in our National Park System. The Everglades provides a home to a wide diversity of endangered and threatened species of wildlife and safeguards south Florida's water supply. Restoring the natural flow of water through the Everglades is a key element to the restoration of its health and that of Florida Bay, whose sea grass beds are prime habitat for young and adult pink shrimp, snapper, and other fish and is a natural nursery for a multimillion-dollar commercial fishing industry.

The Senator from West Virginia and the Senator from Oklahoma realize the importance of this project to the people of Florida and for the protection of the Everglades National Park and Florida Bay. They have been generous in providing funding for this vital project over the last several years, and I look forward to their continued support.

The Department of the Interior, together with the Office of Management and Budget and the EPA, have expressed their strong support for making the funding for modified water delivery more flexible so that it might also be used for land acquisition of the areas in question should that opportunity present itself.

It is my understanding that in the near future such an opportunity may indeed arise, and I would ask the floor managers if they too recognize the urgency in moving forward in providing for this flexibility after the relevant authorizing committees have had an opportunity to review the proposal.

Mr. BYRD. I understand the Senator's urgency in wanting to provide this flexibility. I also want to make clear to the Corps of Engineers that they are not to go forward in spending the money provided for construction of the modified water delivery while alternative methods to protecting the Everglades are being considered.

Mr. MACK. Would the managers then be willing to consider the necessary appropriations language to transfer this funding on the earliest appropriations bill after the relevant authorizing legislation has been passed?

Mr. BYRD. At that point, I would look forward to working with the Florida delegation and the administration on a proposal to effect this transfer. I wish to reiterate to the Senators from Florida that this money will not lapse and will remain available for possible transfer after due consideration by the authorizing committees of jurisdiction.

Mr. NICKLES. The proposal being contemplated would involve potential cost savings as compared to construction of modified water delivery system, in the long run saving taxpayers dollars. I trust the authorizing committee will take this into account when considering this proposal. While we must be mindful of setting a precedent of a non-Federal entity holding title, in this case it may be the most prudent and cost-effective option.

Mr. GRAHAM. I join my colleague from Florida in expressing our support for moving forward as rapidly as possible in providing maximum flexibility for this funding. The protection and restoration of the Everglades is something for which I have fought since my years as Governor of Florida. As a longstanding member of the Environment and Public Works Committee, I am committed to moving forward on the necessary authorizing legislation at the earliest possible time. I would also like to reaffirm to the floor managers that this is truly a bipartisan effort.

In closing, I would like to thank the floor managers for their commitment to work with Senator MACK and myself on this important issue.

CLOSING OF THE LUNCHROOM AT THE CARLSBAD CAVERNS NATIONAL PARK

Mr. BINGAMAN. Mr. Chairman, I am extremely concerned over plans by the National Park Service to close the underground concession located in the Carlsbad Caverns National Park. This announcement has been met with a good deal of opposition by the local community. Aside from providing a much-needed service to park visitors, the concession has historical and personal significance to many Carlsbad residents. Further, the Park Service has not, in my opinion, provided a convincing argument in favor of shutting down the concession.

I would like to ask the chairman that this matter be considered when the committee goes to conference with the House. It is my hope that the conferees will agree that fiscal year 1994 appropriations should not be used for the purpose of closing this concession.

Mr. DOMENICI. Mr. Chairman, I concur with the statement of my colleague from New Mexico. I will be meeting with the Secretary of the Interior very soon to discuss this matter, and would like the option of addressing this issue during the conference after conversation with the Secretary. I appreciate the accommodation of the chairman and the ranking member in leaving us this option.

Mr. BYRD. I hope the Interior Department will reconsider, given the concerns of the affected parties and the two Senators from New Mexico. I would hope that we would not have to visit this issue during conference, but can appreciate the Senators' concerns about this proposal.

Mr. NICKLES. I concur with the chairman.

CHEROKEE NATION RURAL HEALTH NETWORK

Mr. NICKLES. Senator BYRD, while we are discussing matters relating to the Indian Health Service, I would like to bring to my colleagues' attention a program being implemented by the Cherokee Nation of Oklahoma. The Cherokees, which by the 1990 census count are the largest Indian tribe in the United States, are developing a rather unique model to deliver health care services to its tribal members living within its recognized service boundaries in northeastern Oklahoma.

This Rural Health Network model, previously known as the Cherokee Health Care Management model, has been formulated under the leadership of Principal Chief Wilma Mankiller and is designed to boost the delivery of quality health care to citizens living in rural areas. Utilizing its clinics and hospitals, the Cherokees have developed a model that I believe will be successful in helping to provide quality and comprehensive health care to an area where it is greatly needed, benefiting Indians and non-Indians alike.

Senator BYRD, as a member who represents a rural State similar to Oklahoma, I am sure you can appreciate the need to improve the delivery of health care to rural areas. Therefore, I ask that you join me in supporting the Cherokee Rural Health Network model and in encouraging the Indian Health Service to continue working with the tribe to provide the necessary resources and technical assistance to implement the plan.

Mr. BYRD. I thank my friend from Oklahoma for his statement and share his concern about the need to improve the delivery of health care services to rural areas. From your description, it sounds as if the Cherokee Nation of Oklahoma has put together a fine system for delivering health care services to northeastern Oklahoma. To the extent IHS has been providing technical assistance to this effort up until now, I would encourage them to continue doing so.

OBLIGATIONS OF THE UNITED STATES TO INDIAN COUNTRY

Mr. INOUYE. Mr. President, I rise to thank the chairman of the Senate Appropriations Committee for the multiple ways in which, as chairman of the Interior Subcommittee, he has sought to provide the level of appropriations required to meet the obligations of the United States to Indian country and to address specific issues identified to the subcommittee, but, as chairman of the Committee on Indian Affairs, I must also report that I have some disappointments about what the subcommittee was unable to do.

Mr. BYRD. I thank the chairman of the Indian Affairs Committee for his kind comments.

Mr. INOUYE. I am concerned about the absence of any appropriation to enable the 24 tribally controlled community colleges to make urgently needed repairs and renovations to their facilities. The Committee on Indian Affairs had urged an appropriation of $1,650,000 for this purpose in fiscal year 1994 and had identified offsets for this expenditure.

Mr. BYRD. Unfortunately, there were a number of meritorious proposals that could not be funded within the limits of the allocation made to the Interior Appropriations Subcommittee.

Mr. INOUYE. Mr. President, the executive branch is now engaged in developing the President's proposed budget for fiscal year 1995. Would the chairman agree that the Secretary of the Interior should carefully review the testimony received by the Committee on Indian Affairs and consider the importance of the tribal colleges in affording postsecondary education to more than 14,000 Indian persons and others, determine to propose an appropriation in fiscal year 1995 to meet urgent repair and renovation needs of the colleges?

Mr. BYRD. I agree that this is an issue that would be appropriate to consider within the context of the fiscal year 1995 budget.

Mr. INOUYE. I thank the chairman for his comments regarding tribal colleges. Mr. President, during my tenure as chairman of the Senate Committee on Indian Affairs, the committee has held five hearings on the subject of child abuse and neglect in Indian country. We have heard countless tragic stories of children and their family members who have suffered from the brutality of child abuse, child neglect, and child sexual abuse. Despite the growing and widespread incidence of abuse, sometimes committed by Federal employees, the system has failed to respond to this Federal offense. Under Vice Chairman MCCAIN's leadership the Indian Child Abuse Prevention and Treatment Act—Public Law 101-630—was enacted into law on November 28, 1990.

Mr. President, only five tribes within the entire Nation have Indian Health Service programs to address child abuse and neglect. Despite the severity of child abuse and other mental health problems, only 17 mental health workers trained to work with children or adolescents are available to address the needs of more than 400,000 Indian youth, according to the Office of Technology and Assessment [OTA]. In 1990, the OTA found that Indian children have more serious mental health problems in any number of categories than any other group in the U.S. population.

Chairman BYRD, we understand that Senate Report 103-114 provides for a transfer of $1,600,000 from the Indian Health Service direct operations account to the Mental Health Program for purposes of implementing the Child Abuse Prevention and Treatment Program. We are grateful for this appropriation and ask that you work diligently to ensure that this amount is retained in conference.

Mr. BYRD. I will do what I can to retain this appropriation in the conference committee's deliberations.

Mr. INOUYE. Would the chairman agree that this is an issue that both the Indian Health Service and the Bureau of Indian Affairs should consider as they prepare their fiscal year 1995 budget request?

Mr. BYRD. I would agree that these agencies should consider seriously this issue within the context of the fiscal year 1995 budget request.

Mr. INOUYE. Since the authorization for this program extends to both the Indian Health Service and the Bureau of Indian Affairs, I would expect the administration to submit a coordinated proposal for this program in fiscal year 1995.

Mr. BYRD. What amount of funding is authorized for this program in fiscal year 1995?

Mr. INOUYE. Public Law 101-630 authorizes $10,000,000 per annum for both

the Indian Health Service and the Bureau of Indian Affairs for fiscal years 1992–95, yet the administration has failed to request funding for this important program for the past 3 years.

Mr. BYRD. It is very difficult to increase funding for new initiatives at the expense of existing programs. I do, however, understand the need for child abuse prevention and treatment and look forward to working with you and the administration on this issue in fiscal year 1995.

Mr. INOUYE. Thank you, Chairman BYRD.

REGARDING THE CLOSING OF LANDFILLS ON TRIBAL LANDS BY THE BUREAU OF INDIAN AFFAIRS

Mr. BINGAMAN. It has come to my attention that the Bureau of Indian Affairs has shut down landfills on tribal lands, pursuant to compliance with the Resource Conservation and Recovery Act. I am concerned about the consequences of this step, in particular its impact on surrounding communities. In McKinley County, NM, the county operates six transfer stations on tribal lands. As a result of the closing of one of the landfills on the Navajo Reservation, the county had to build a new transfer station. In addition, the county has found that the closing of the tribal landfills has placed a considerable burden on its other transfer stations.

Mr. Chairman, I know that this situation is not unique to McKinley County. I believe that it is very important to hold the Bureau of Indian Affairs accountable for the consequences of closing these landfills. BIA should be helping the local communities and tribes work together in a cooperative fashion to mitigate the financial effects of increased solid waste removal burdens. Does the chairman agree that BIA should urge the tribes to make in-kind or financial contributions toward increases in solid waste disposal costs directly related to the closing of landfills in compliance with RCRA?

Mr. BYRD. I agree.

SUPPORT FOR SELF-GOVERNANCE TRIBES

Mr. STEVENS. The chairman is aware of language requested by the Interior Department on September 10, 1993, to permit payment from funding in the fiscal year 1994 appropriation of fiscal year 1992 shortfalls in contract support for self-governance tribes. It is my hope that the managers will be able to keep this issue in mind as we go to conference.

Mr. BYRD. Yes, the committee is well aware of the administration's request, and certainly is mindful of the Senator's interest. Given the Department's strong support for the amended language, we will do what we can. As the Senator from Alaska knows, the committee has attempted to fund fully the needs known at this time in two program areas which have experienced shortfalls in fiscal year 1993—namely, education and contract support. It is my hope that we can fund these programs fully in conference, in order to avoid the need for a supplemental next year. No one who receives funding from these programs should assume that additional resources beyond what is provided in the final bill will be available next year.

SELF-GOVERNANCE COMPACTS

Mr. STEVENS. With respect to self-governance compacts authorized by title III of the Indian Self-Determination Act, is it the chairman's understanding that there is no legislative barrier to additional self-governance compacts being entered into by the Indian Health Service? I have often raised this issue in committee when describing the difficulties of delivering health services to sparse and remote areas of my State.

One of those areas is the region which the Yukon-Kuskokwim Health Corp. serves, whose hub is Bethel, AK. The Yukon-Kuskokwim Health Corp. is the largest tribal contractor dealing with the Indian Health Service in the entire United States, and is at least double the size of the next largest tribal organization. Second, the Yukon-Kuskokwim Health Corp. has developed very sophisticated information systems and related supportive services for operating its health care programs. Lastly, the service area covered by this self-determination contract is vast, and the health care needs of the people of this region extreme. It is my hope that the chairman will be able to assist this region in better serving this population.

Mr. BYRD. It is the committee's understanding that there is no statutory language that would make the Yukon-Kuskokwim Health Corp. ineligible for a self-governance compact through the Indian Health Service. Obviously, not every organization interested in self-governance can be implemented immediately. Within the constraints of funding provided, the Indian Health Service should evaluate the various programs interested in self-governance, and attempt to achieve a balance among the various types of health care delivery systems proposed.

IDAHO NATIONAL ENGINEERING LABORATORY

Mr. CRAIG. I would like to call attention to some most valuable research that is funded in this appropriations bill. The Bureau of Mines utilizes the Idaho National Engineering Laboratory's Research Center for advanced research projects related to Bureau of Mines' missions that can be conducted more efficiently at the INEL. This relationship exists because INEL has facilities and staff that can conduct this research at a lower cost to the Federal Government.

There are two primary areas of focus for this research: First, development of advanced technologies for recovery of metals from low-grade resources and wastes, and, second, development of advanced materials and processes to produce superior materials and facilitate use of substitute materials. Included are projects on solvent extraction of metals, biologically assisting minerals processing, production of titanium from a plasma reactor, ferrous alloy research, neural network modeling of cupola furnaces, noncontracting nondestructive evaluation for materials characterization, nanostructure materials and fracture mechanics of interfaces.

These are very important areas of research and offer some fantastic future possibilities for metal use. The areas being addressed reduce waste and open new and innovative methods of metal production, uses, and evaluation. The research is unique and is taking us to the threshold of metal research and development in the next century and I encourage the continuation of this arrangement between the Bureau of Mines and the INEL.

Mr. BYRD. I thank the Senator from Idaho for calling this research to the attention of the Senate.

Mr. NICKLES. I recognize the importance of this most important research and thank the Senator for his statement.

UTAH BLM WILDERNESS

Mr. HATCH. As my colleagues know, section 2(c) of the Wilderness Act of 1964 states that an area of public land must meet the following criteria to be classified as wilderness:

> (1) affected primarily by the forces of nature, * * * (2) outstanding opportunities for solitude, * * * (3) consists of at least five thousand acres of land * * *, and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

In 1978, the Utah State Office of the Bureau of Land Management [BLM] began an exhaustive process to develop a Utah BLM wilderness proposal in compliance with section 603 of the Federal Land Policy and Management Act of 1976. This was no small task, since more than 22 million acres of Utah land managed by the BLM were available for the study. In total, BLM employees scrutinized over 40 percent of Utah's total land mass to assess each acre's eligibility for wilderness classification.

My colleagues from other States where a similar wilderness exercise has been pursued know how seriously BLM employees undertake this activity. They are meticulous with the tedious details such a project requires, including visitation, analysis, and consultation on each potential parcel. They leave no stone unturned or potential conflict unaddressed.

To say the least, it has been a painstaking process for all concerned parties to reach the point where we are today, with a final BLM recommendation now before Congress awaiting final action and a resolution to this lengthy process. This report was signed, sealed, and

delivered in 1991, after clearing all environmental and regulatory hurdles. It recommends a total designation of 1,975,210 acres in 66 specific areas.

As my colleagues can well appreciate, especially those from western public lands States, the topic of wilderness has generated considerable interest from parties both inside and outside of Utah. It seems that almost every one in Utah has an opinion about the subject, many of which, unfortunately, are poles apart.

In most of Utah's rural areas, which are heavily dependent on grazing, mining, and other activities necessitating access to public lands, wilderness is an issue that threatens the very livelihood of the local communities that thrive on the concept of multiple-use management of the public lands. A diminution of this policy could be disastrous to these communities and put their long-term existence at risk. This is not an overstatement of the current situation in Utah. It will take considerable effort to achieve a resolution that addresses the needs of both the opponents and proponents of wilderness.

Personally, I believe there will, and should be, some BLM wilderness designated in Utah. But I will not overlook the concerns expressed to me by local communities that should have substantial, and perhaps the preponderant, say in the management practices that affect lands within their close proximity.

The following list summarizes the BLM's efforts, and requirements, to arrive at this recommendation. This information was provided to me by the Utah State BLM Office:

A total of $10,052,733 has been directly expended to the Wilderness Program in Utah between 1978 and 1992.

Approximately 2,777 workmonths—BLM employee time—has been officially charged to the Wilderness Program during the same 15-year period.

Instant study areas were identified between 1978 and 1980, and initial and intensive inventories were conducted between 1978 and 1985.

Scoping and preparation of the Utah BLM statewide wilderness environmental impact statement [EIS] began in 1984 and concluded in 1990.

Some 13 official scoping meetings were held throughout Utah in 1984 that generated approximately 600 comments. Many other meetings were conducted with State officials and land user groups, and over 1,500 brochures were mailed to individual, organization, and governmental agencies requesting written comments; 147 letters were generated from these brochures containing approximately 1,200 comments.

The 17 official public comment hearings were held throughout Utah in conjunction with the release of the draft EIS in 1986. Approximately 4,500 responses were received under 6,200 signatures as a result of these hearings and the public comment period.

The statewide wilderness study report was prepared during 1990 and 1991, participated in numerous meetings since release of the final EIS with various interest groups, including the State legislature, Members of Congress, and Project 2000, since 1990 when the final EIS was released.

This list is not comprehensive, but it should give my colleagues a good idea of the thorough and fair process involved, and what Utahns have been experiencing, during the past 15 years. And, after this lengthy process, BLM determined that 3.235 million acres of the 22 million it manages in Utah, was deemed eligible for wilderness designation. Of those acres, 1.98 million acres met every classification requirement with no or de minimis conflicts in a final inventory list.

Let me emphasize that this was not a political process that arrived at this result, even though many in Utah would have preferred for the congressional delegation and the Governor to have a strong say in BLM's final decision. It was reached through the dedication and hard work of professionally trained and experienced employees of the BLM. It was the result of a careful and methodical process.

Like most people looking at this issue, the Secretary of the Interior has expressed his personal opinion that the Utah BLM wilderness figure should be somewhere between 3 and 5 million acres. If it was anyone else other than the Secretary making this statement, I would simply place him into one of the two camps. But, since it is the Secretary who has verbalized this position, it raises very serious concerns.

To achieve a wilderness designation in his range would, first, require a withdrawal of the current BLM report that recommends 1.98 million acres; and second, the submission of a report that includes every acre now in BLM's eligible inventory of 3.235 million acres, or, most disturbing, an additional review of all BLM lands for possible inclusion within the existing inventory. I understand the Utah State BLM Office is currently working on a proposal that would recommend how the existing inventory can be increased.

In my view, Mr. President, this scenario constitutes a repudiation not just of the final recommendation, but of the entire BLM wilderness study process.

And, quite frankly, withdrawing the current BLM recommendation formulated by professional land managers to pursue a recommendation that is essentially political is not in the best interests of my State. I am not overstating the possible result when I say that withdrawal will lead to all-out war and continued mistrust by the majority of my rural constituents against the Federal Government. It will set back any current or future efforts to resolve this matter equitably.

With this in mind, would my colleaque from West Virginia, the distinguished chairman of the Appropriations Committee, agree that such action—withdrawing the current BLM recommendation—should be carefully considered before it is undertaken?

Mr. BYRD. Certainly, my colleague understands that the Secretary has the authority to modify the existing BLM recommendations and that eventually Congress, and not the Secretary, will make the final decision on all issues related to Utah BLM wilderness. This includes the total amount of acreage to be designated and the boundaries.

Mr. HATCH. I understand that completely. And, I appreciate the fact that the distinguished President pro tempore has never hesitated to assert the rights of the people's representatives here in Congress over the prerogatives of the executive branch when it is appropriate to do so.

My concern is that 13 years of hard work, not to mention over $10 million of taxpayer money, resulting in a recommendation solidly based on objective data and criteria, whether one agrees with it or not, may be replaced by a different recommendation that requires additional toil, additional analysis, and additional taxpayer dollars to achieve an arbitrary, preordained number of acres for wilderness designation.

In sum, is it worth the effort to redo what has already been done once, and in a rather convincingly manner, just because the result was not what one desired?

Mr. BYRD. Without specifically answering these questions, because I have not consulted with the Secretary recently on this matter and I am unsure as to his plans, I appreciate the position of the Senator from Utah and the data he has presented, and acknowledge the unwavering and thorough efforts of Utah's BLM employees to get us where we are today. They are to be commended. The existing recommendations are symbolic of a process, and this process should be recognized and its conclusions fully considered before any revisions are made that might undermine its effectiveness or validity.

In addition, I would suggest the Secretary keep the Appropriations Committee, in addition to the Energy Committee, fully informed with regard to his intentions on this matter.

Mr. HATCH. I thank my colleague for his input and fair assessment of this matter. I would ask unanimous consent to include a table showing the amount of taxpayer money spent during the last 15 years on wilderness management in Utah, and a chronology of events from 1964 to 1985 detailing the BLM's efforts in this regard.

Mr. President, I yield the floor.

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

WILDERNESS MANAGEMENT 1978–92

	Management direction and support	Plan amendments	Inventory	Environmental statements	Interim management	Wilderness area management planning	Wilderness area management	Resource protection and rehabilitation	Subtotal	Leave surcharge (18 percent)	Total dollars expended
1978:											
Wilderness management	16.3		22.7	0.3	0	0	0	0	30.3		
Dollars	32,439		49,185	343	0	0	0	0	82,167	21,222	103,389
1979:											
Wilderness management	90.3		290.5	1.1	0	0	0	0	381.9		
Dollars	185,965		605,782	14,612	0	0	0	0	806,359	206,226	1,012,585
1980:											
Wilderness management	59.4		186.8	0.9	0	0	0	0	247.1		
Dollars	146,111		513,970	10,836	0	0	0	0	670,917	133,434	804,351
1981:											
Wilderness management	43.1		110.1	8.6	19.1	0	0	0	180.9		
Dollars	80,371		248,617	23,440	41,148	0	0	0	402,576	97,686	500,262
1982:											
Wilderness management	58.5		6.6	200.3	10.1	0	0	0	275.5		
Dollars	158,958		25,220	537,685	28,879	0	0	0	750,742	148,770	899,512
1983:											
Wilderness management	43.6		0	148.5	8.1	0	0	0	200.2		
Dollars	135,761		0	433,107	25,053	0	0	0	593,921	108,108	702,029
1984:											
Wilderness management	55.5		0	142.3	12.8	0	0	0	210.6		
Dollars	214,214		0	419,262	38,226	0	0	0	671,702	113,724	785,426
1985:											
Wilderness management	18.6		0	116.1	40.5	4.2	8.6	2.2	190.2		
Dollars	88,728		0	348,521	108,017	13,557	24,321	12,914	596,058	102,703	698,746
1986:											
Wilderness management	13.0		0	63.8	56.6	5.1	13.3	2.3	154.1		
Dollars	65,930		0	304,018	171,132	18,352	18,060	6,476	604,898	81,214	688,112
1987:											
Wilderness management	21.9		0	68.5	58.1	1.9	12.2	1.5	162.1		
Dollars	122,178		0	227,352	205,069	11,858	45,168	5,490	618,024	87,534	705,558
1988:											
Wilderness management	15.9		0	68.9	52.5	0.4	12.3	4.5	154.5		
Dollars	109,515		0	242,757	204,907	2,974	33,473	16,942	610,568	83,430	693,998
1989:											
Wilderness management	21.0	4.4	2.0	57.0	40.0	1.0	11.0	1.2	138.5		
Dollars	143,626	14,627	4,912	294,354	161,528	4,917	28,964	6,436	659,704	74,790	734,154
1990:											
Wilderness management	20.8	7.6	4.2	30.3	53.5	1.5	1.6	0.6	134.5		
Dollars	114,168	22,771	9,243	271,843	196,874	4,959	59,677	1,876	681,411	72,630	754,041
1991:											
Wilderness management	32.8	25.6	2.9	6.5	49.6	3.6	22.6	3.2	147.0		
Dollars	201,630	104,384	16,236	27,846	202,955	18,041	69,699	7,724	648,515	79,380	727,895
1992:											
Wilderness management	20.5	32.1	0.4	5.6	54.6	2.6	29.9	5.5	160.2		
Dollars	284,881	125,310	10,920	18,743	190,362	12,264	93,656	38,035	774,171	86,508	860,679
Total:											
Wilderness management	540.2	69.7	626.2	919.6	453.7	20.3	125.9	21	2,776.6		
Dollars	1,971,297	267,092	1,484,085	2,947,597	1,369,031	75,064	348,750	90,403	3,553,369	1,499,364	10,052,733

CHRONOLOGY OF EVENTS—UTAH BLM

1964

September 3: Wilderness Act.

1976

October 21: Federal Land Policy and Management Act (FLPHA).

1977

February 10: OAD 77–17 Procedures for Processing Existing Applications for Exchanges of Land.

March 15: OAD 77–29 Wilderness Resource Consideration in EARs and ESs.

March 22: Formally Identified Natural and Primitive Areas.

April 29: Mineral Inventories for Wilderness Studies.

May 4: Applicability of Wilderness Act to BLM Wilderness Areas.

June 1: Applicability of Sec. 603 of FLPMA to O&C and Coos Bay Wagon Road Lands.

June 6: IM UT–77–240 FY 77 Wilderness Review.

June 22: Wilderness Review Teams Training.

June 27: SO and Comments on Wilderness System.

July 26: Change 1, SO and comments—Wilderness System.

September 9: OAD–71 FY 77 Wilderness Review Work.

September 15: SO Applications of Mining and Grazing Laws.

October 17: Definition of Road.

November: Mineral Inventories for Wilderness Studies.

December 28: IM 77–288 Mineral Surveys (ISAs).

December 28: OAD 77–71, Change 1, FY Wilderness Review Work.

1978

January 8: Application of Mining and Grazing Laws.

January 9: Summary of Mining and Grazing Laws.

March 1: Primitive Areas in Sec. 164.d of Clean Air Act.

March 8: Federal Register—Wilderness Review.

March 16: Public Law 95–237 Review.

March 17: OAD 78–14 Procedures for Exchange Proposals.

March 23: IM 78–150 Clean Air Act.

April 24: Senate Bill 37—Utah Road System.

May 3: OAD 78–14, Change 1—Procedures for Exchange Proposals.

May 4: OAD 78–52 Draft Wilderness Inventory.

May 24: OAD 78–37 Status of Mineral Surveys for Wilderness.

May 30: OAD 78–38 Initiation of Wilderness Inventories.

June 1: Palmer O&G Company Administrative.

June 13: Palmer O&G Company Appeal to GS.

June 15: OAD 77–29, Change 1, Wilderness Resource Considerations in EARs and ESs.

June 16: IM 78–312 Wilderness Protection Stipulations for O&G Leases.

July 1: Draft IMP.

July 20: Evaluating Wilderness Aspects of Emery 3 & 4 Project.

July 31: OAD 78–38, Change 1, Initiation of Wilderness Inventories.

August: Wilderness Inventory—IPP.

September 5: Solicitor Opinion—BLM Wilderness Review.

September 19: OAD 78–61 Wilderness Inventory Handbook.

September 20: OAD 78–60 Reporting Guidelines—ISA's.

September 26: OAD 78–63 Management of Critical Environmental Concerns.

September 27: Wilderness Inventory Handbook Issued.

October 23: OAD 78–38, Change 2—Initiation of Wilderness Inventories.

October 25: FR Notice—Wilderness Aspects—Public Meetings.

October 27: OAD 79–3 Wilderness Resource Considerations in EARs and ESs.

October: Issue Contract for Center Socioeconomic Study.

November 2: IM 78–401, Change 4, FY 79 AWP.

December 15: OAD 78–38, Change 3, Initiation of Wilderness Inventories.

December 29: FR Notice—Extension of Public Comment Period.

1979

January 5: FR Notice—Expanded Wilderness Inventory.

February 26: OAD 79–61, Change 1—Wilderness Inventory Handbook.

February 27: IMP Public Hearing.

March 2: OAD 79–24 Wilderness Inventory Schedule.

March: Draft ISA Procedures.

March 22: FR Notice—Public Comment Period on Initial Wilderness Inventory.

March 23: OAD 79–26 Clarification of Jan. 12, 1979 News Release.

April: Initial Wilderness Inventory Proposals.

April 12: FR Notice—Wilderness Study Area Proposal—Public Meeting—Dirty Devil.

May: Final ISA Procedures.

May 10: FR Notice—IPP Wilderness Review.

June 14: OAD 79–40 Procedures for Wilderness Review of 55 ISAs.

June 21: FR Notice—Wilderness Inventory of Paria Canyon ISA.
June 21: Initial Wilderness Inventory Public Hearing.
June 28: OAD 78-61, Change 2.
July 12: OAD 78-61, Change 3.
August: FR Notice—IMP Guidelines for WSAs.
August: Final Initial Wilderness Inventory.
August 8: FR Notice—Initial Inventory Final—Start of Intensive Inventory.
August 16: FR Notice—Prairie Canyon Public Comment Period.
August 29: Facsimile Message 79-112 Changes in Final Inventory Decision.
August 31: FR Notice—Inventory Decision—Paria Canyon ISA—Utah Portion.
September 20: FR Notice—IPP—Moab District.
October 4: FR Notice—Proposed Decisions—Public Comment—Overthrust Belt.
October 4: FR Notice—Initial Inventory Decisions in Effect—Protests.
October 19: FR Notice—Paria Canyon ISA Decision in Effect.
October 29: FR Notice—Accelerated Inventory of Deep Creek Mountains.
October 30: FR Notice—Initial Inventory Decisions on Protests.
October 31: IM UT-79-37—Wilderness Program.
November 16: FR Notice—Deep Creek Mountains—Public Meeting.
November 28: FR Notice—Deep Creek Mountains—Clarification.
November 29: FR Notice—IPP Inventory Decision in Effect.
December 5: FR Notice—Inventory Decision Prairie Canyon.
December 12: Interim Management Policy.
December 30: FR Notice—Initial Inventory Decisions—Interstate Units.

1980

January 16: FR Notice—IMP Guidelines—Correction.
January 16: FR Notice—Inventory Proposed Decisions—ISAs.
January 22: IM 80-236 Final Guidance on Application of Wilderness Criteria During Intensive Inventory.
January: Centaur Socioeconomic Study Completed.
February 6: FR Notice—Final Decisions—Overthrust Belt.
February 12: IH 80-291 Guidelines for Inventory Decision Announcements in Federal Register.
February 13: FR Notice—Status of Wilderness Review.
February 15: FR Notice—Dirty Devil WSA.
February 22: FR Notice—Wilderness Inventory—Overthrust Belt.
March 6: Request for Exception on OAD 78-61, Change 3.
March 11: FR Notice—Status of Wilderness Review.
March 14: FR Notice—Final Decision—Deep Creek Mountains.
March 20: FR Notice—Final Decision in Effect—Overthrust Belt.
March 28: FR Notice—Dirty Devil Decision Protested.
March 28: FR Notice—Intensive Inventory Public Comment.
April 2: Proposed Wilderness Study Areas.
April 24: FR Notice—Proposed Decisions—Intensive Inventory.
May 1: FR Notice—Final Decision in Effect—Deep Creek Mtns.
May 5: FR Notice—Deep Creek Mtns.—Withdrawal.
May 5: FR Notice—Inventory Decision—ISAs.
June 5: FR Notice—Decision on Dirty Devil—Protests.
June 17: BLM Wilderness Appeals to IBLA.
June 18: FR Notice—Inventory Decisions—ISAs.
July: FR Notice—Dirty Devil Decision Appealed.
July 18: Off-Road Vehicle Designation on WSA.
August 7: FR Notice—Status of Wilderness Review.
September 11: FR Notice—Status of Wilderness Review.
September 12: IM 80-772 Wilderness Inventory and IMP Appeals to IBLA.
September 30: Request for Exception on OAD 78-61, Change 3.
October 1: Approval for Exception to OAD 78-61, Change 3.
October 6: FR Notice—Status of Wilderness Review.
November 14: FR Notice—Final Wilderness Inventory Decision.
November 14: Final Decision—Wilderness Study Areas.
December 11: FR Notice—Devils Garden ISA—Protested.
December 17: FR Notice—Status of Wilderness Review.
December 31: FR Notice—Final Inventory Decisions in Effect.

1981

January 19: FR Notice—Wilderness Study and Reporting Schedules.
February 5: FR Notice—Henry Mountain MFP—Wilderness.
February: FR Notice—Parker Mountain MFP—Wilderness.
March 5: FR Notice—Decision on Protests—Final Decision.
March 12: FR Notice—Protest Decisions—Final Decision.
April 6: FR Notice—Changes to IMP.
April 8: IM 81-376 BLM-Forest Service Agreement.
April 8: FR Notice—Stateline Area Decisions.
April 10: Legislative Proposals to Amend FLPMA 603
April 29: Analysis of Possible Changes to IMP.
May 13: FR Notice—Decisions in Effect on Units not Appealed.
June 19: FR Notice—Decisions in Effect.
September: Wilderness Management Policy Issued.
October: Meeting with District—Initiate ISA Studies.
November 18: List of Wilderness Study Areas.

1982

January 20: FR Notice—Wilderness Studies—Amend MFPs.
February 3: Wilderness Study Policy.
March 11: FR Notice—Link Flats ISA—Wilderness Inventory Decision.
March 16: FR Notice—Inventory Decisions in Effect.
March 16: Solicitor's Opinion.
April 15: FR Notice—Negro Bill—Decision to Set Aside & Remanded.
April 20: FR Notice—Decision Link Flat ISA in Effect.
May 3: IM 82-421 Remanded Wilderness Inventory Decision.
May 19: FR Notice—Units Under 5,000 Acres.
May: FR Notice—Negro Bill Canyon—Reassessment.
July 8: FR Notice—List of WSAs.
July 13: Acreage of Split Estate & WSAs Under 5,000 Acres.
July 14: FR Notice—Wilderness Preservation.
July 14: FR Notice—Status of Wilderness Review.
July 30: FR Notice—Comment Period SSAs.
September 3: FR Notice—Extension of Public Comment Period.
September 14: FR Notice—Negro Bill Canyon Decision.
December 30: FR Notice—Units Less than 5,000 Acres.

1983

March 1: FR Notice—Public Comment—SSAs.
June 14: FR Notice—Management Policy.
June 16: FR Notice—Decisions Set Aside and Remanded.
July 12: FR Notice—IMP Changes.
July 19: FR Notice—Inventory Decisions—IBLA.
October 14: FR Notice—Final Decisions—Remanded Units.
November 30: FR Notice—Final Decisions—Remanded Units in Effect.
December 12: FR Notice—Comment Period—SSAs.
December 15: FR Notice—Mill Creek—Boundaries Modified.

1984

January 4: Meeting with PAOs/Liaisons to discuss DEIS Scoping Meetings (USO).
January 9: Scoping Meeting with Sierra Club and Wilderness Association (USO).
January 10: Scoping Meeting with State of Utah (USO).
January 16: FR Notice—Notice of Intent to Prepare Draft Statewide Wilderness EIS and Schedule of Public Scoping Meetings.
January 18: Wilderness Consistency Team Meeting to Discuss Scoping—Also Methodology for Developing a Preferred Alternative.
February 21: Vernal Public Scoping Meeting.
February 22: Logan Public Scoping Meeting.
February 23: Tooele Public Scoping Meeting.
February 28: Price Public Scoping Meeting.
February 29: Moab Public Scoping Meeting.
March 1: Monticello Public Scoping Meeting.
March 6: St. George Public Scoping Meeting.
March 7: Kanab Public Scoping Meeting.
March 8: Escalante Public Scoping Meeting.
March 13: Loa Public Scoping Meeting.
March 14: Delta Public Scoping Meeting.
March 15: SLC Public Scoping Meeting.
March 16: Scoping Meeting with Utah Farm Bureau, Utah Wool Growers, and Utah Cattleman's Association (USO).
March 30: IBLA decision, Utah Wilderness Association 80. IBLA 64, generally affirmed BLM decision.
April 17: EIS Team/State Office Coordination Meeting Scheduling DEIS (USO).
June 26: Management Team Meeting—Discussed 1) results of scoping and 2) procedures for using scoping data for development of the EIS (especially regarding alternatives in SSAs and overview document). (USO)
September 11: Wilderness meeting with State Director, USO Staff and Richfield EIS Team concerning EIS process.
September 12: Decision made to prepare Wilderness EIS in the USO rather than Richfield District.
November 2: IM UY 85-25 issued. NEPA procedures for processing APDs in areas under wilderness review.
November 8: Request for aid in typesetting with Utah Wilderness EIS to the State Director, Montana.
November 14: Annual State Wilderness Report to the Director.

November 27: RMOGA/BLM Wilderness Meeting (USO). Concerned with minerals information in EIS. Want to provide specific updated information where appropriate. EIS Team will accept information, but only additive to SAI reports and as time allows.

December 11: Utah Cattleman's Association, Utah Farm Bureau, Utah Wool Growers Association/BLM Wilderness Meeting (USO). Concerned with consistence of applying wilderness management across the State and over time.

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January 11: Utah Wilderness Association, Sierra Club, Wilderness Society and Wasatch Mountain Club/BLM Wilderness Meeting (USO).

February 4: Updated Preparation Plan for the Wilderness EIS sent to the WO, Districts.

February 8: Instruction Memorandum No. 85-254 issued. Concerned with application and enforcement of the IMP and 3802 regulations.

March 4: Management Team Meeting to discuss the preferred alternative for the Wilderness EIS.

March 7: Change 1 issued to IM No. 85-254.

March 19: UWA presents proposal for Utah BLM wilderness.

March 22: WO/OEPR review of 10 WSA preliminary draft analyses for the Wilderness EIS.

March 27: Section 8560, 4-6(j) of the Wilderness Management Regulations, 43 CFR 8560, is withdrawn.

April 3: RMOGA/BLM Wilderness Meeting (USO). Concerned with treatment of minerals in the Wilderness EIS.

April 12: IBLA affirmed Utah BLM inventory decision that 173,229 acres in six areas are not eligible for wilderness study, but required that a total of 77,000 acres be added to three WSAs (Fiddler Butte, Mt. Pennell, Mt. Ellen-Blue Hills).

April 18: U.S. District Court in California ruled that BLM roadless areas of less than 5,000 acres contiguous to potential wilderness areas of other agencies should be returned to wilderness study status. Ten such areas totaling 18,489 acres, previously dropped from wilderness study in Utah, were reinstated. Four split estate areas (Federal surface, non-Federal subsurface) totaling 805 acres were also reinstated as a result of the decision.

April 26: President's wilderness recommendations issued on ISAs: includes nonsuitable recommendations for four Utah ISAs; Book Cliffs, Devil's Garden, Joshua Tree, and Escalante Canyons (Tract 1)—2440 acres total.

May 24: Federal Register notice of revised Wilderness EIS schedules and alternatives to be considered.

May 8: Instruction Memorandum No. 85-247 issued. Concerned with public notification of proposed actions in WSAs and designated wilderness areas.

June 3: Utah Wilderness Coalition/BLM Meeting concerning wilderness EIS (USO).

June 11: Exxon representative meets with State Director concerning Mt. Ellen-Blue Hills boundary (USO).

July 17: Wilderness coalition comprised of 10 conservation groups proposes 5,032,900 BLM acres be designated wilderness.

July 18: Hodel speaks before the Subcommittee of Public Lands, Committee on Interior and Insular Affairs, U.S. House of Representatives, on the status of BLM's Wilderness Program.

August 8: Federal Register notice of revised wilderness DEIS schedule and alternatives to be considered.

August 9: Instruction Memorandum UT 85-273 issued—Concerned with public review of EAs for actions in WSAs.

SUPPORTING CONTINUED OPERATION OF THE HAGERMAN FIELD STATION

Mr. CRAIG. Mr. Chairman, as you are aware, we have a situation in Idaho which deserves our attention. The Hagerman Field Station, an important fisheries research laboratory providing basic research in fish nutrition and hatchery products, is in danger of being closed by lack of appropriations in fiscal year 1994.

Mr. BYRD. Yes; I am aware of that possibility. This closure was proposed in the fiscal year 1994 budget.

Mr. CRAIG. Loss of this facility would be very unfortunate. Hagerman undertakes research which is key to the large aquaculture industry in Idaho. This is an excellent example of State/Federal/private sector cooperation. Research results forthcoming from Hagerman are put to work at other hatcheries outside Idaho, such as Bozeman in Montana and Stuttgart in Arkansas. Senator BUMPERS, I know you are aware of the value of the Stuttgart facility. Isn't it your understanding as well that the operations at Stuttgart are benefited by the research conducted at Hagerman?

Mr. BUMPERS. I understand Hagerman provides valuable information to the aquaculture industry. What are the opportunities within the U.S. Fish and Wildlife Service for continuing the research underway?

Mr. CRAIG. I've had continuing discussions with the agency over the past several weeks. They believe an arrangement can be worked out whereby the University of Idaho would shoulder greater responsibility in the research under some form of cooperative agreement or lease. The University is supportive of this proposal, but needs time to plan and arrange funding for the venture. However, that won't be possible if Hagerman is closed and the equipment removed, as seems to be the current plan.

Until the details of such an agreement can be worked out, I am urging the U.S. Fish and Wildlife Service to hold the equipment in place and maintain the facility so as not to foreclose their management options.

Mr. BUMPERS. Your proposal sounds like a workable solution, and I would lend my support.

Mr. CRAIG. Thank you, Senator. I believe the agency will be able to handle this matter internally. There is no need for Congress to intervene at this time. Let's see what the agency will do. However, I believe we should maintain some oversight. Senator NICKLES, would you be willing to revisit this matter next year if it has not been resolved?

Mr. NICKLES. Senator CRAIG, you've outlined a reasonable proposal. The agency should continue to try and work out an agreement with the university.

Mr. CRAIG. Thank you, Senator NICKLES. Mr. Chairman, I am satisfied that we have made progress on this issue. With your concurrence, I will close discussion of this matter.

Mr. BYRD. While I am willing to encourage the Fish and Wildlife Service to continue working with the university to work out a cooperative agreement for the use of the equipment and the facility, I do not wish for us to direct the continued operation of a station proposed for closure in the budget and for which operational dollars are not included in fiscal year 1994. If the Fish and Wildlife Service believes it is important to keep this facility open, they should propose a reprogramming identifying the funds to be used. But in any event, the Service should do everything possible to help ensure that good use can be made of the equipment and the facility.

HOOSIER NATIONAL FOREST

Mr. LUGAR. Mr. President, would the distinguished Senator from West Virginia be prepared to respond to a question regarding land acquisition funding for the Hoosier National Forest?

Mr. BYRD. I would be pleased to respond to the Senator's question.

Mr. LUGAR. In 1988, with the support of your subcommittee, I helped the U.S. Forest Service to reestablish a program of land acquisition in the Hoosier National Forest. In fiscal year 1992 and fiscal year 1993, the Forest Service expects to acquire 3,842 acres using approximately $2 million in funds appropriated in these years. I am pleased with the land acquisition program of the Hoosier National Forest. Working with the State of Indiana's Division of Nature Preserves and with The Nature Conservancy, the Forest Service has maintained a list of priority acquisitions necessary for the protection of threatened, endangered, and sensitive species; of wetlands and riparian areas and of land with unique geological and cultural features. The Hoosier's land acquisition program also provides additional recreational opportunities in the Charles C. Deam Wilderness Area and in other backcountry areas, thus helping to relieve the pressure on the wilderness area. The average cost of acquisition is $500 per acre. All acquisitions must be on a willing seller basis. These lands contain some of the most beautiful natural areas in southern Indiana.

I noted that although your subcommittee was able to recommend funding for the HNF in the past 2 fiscal years, no funds are included for this purpose in the committee-reported version of H.R. 2520. However, I note that the House passed bill contains $1 million for HNF land acquisition, the same as the President's request. Is the Senator from West Virginia prepared to consider agreeing to the House amount when the bill reaches conference?

Mr. BYRD. I thank the Senator from Indiana for his informative statement.

The Senator can be assured that every consideration will be given to the merits of Hoosier National Forest land acquisition funding in conference with the House.

NOTICE AND COMMENT PROCESS

Mr. CRAIG. Mr. President, last year in the fiscal year 1993 Interior and related agencies appropriations bill, the Congress included a provision requiring the Secretary of Agriculture to establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing Forest Service land and resource management plans, and to modify the procedure for appeals of decisions concerning such projects. The objective of this provision was to preserve appropriate appeal rights while expediting the appeals process. This provision was contained in section 322 of the bill, which was enacted as Public Law 102-381. I ask unanimous consent to insert that language at the conclusion of my statement in the RECORD.

It is now nearly the end of fiscal year 1993 and the requirements of section 322 have not yet been implemented. We have received assurances from the Forest Service that the implementing rule will be published by September 30. If that occurs, then we would have no need for further action, because the requirement of section 322 would have been met.

If, however, the implementation has not been accomplished by the time of the conference on the fiscal year 1994 bill that we are considering now, then I would request that the conference consider adding the language of last year's section 322 to this year's bill in order to assure that the implementation will occur. I ask both the chairman and the ranking minority member of the Interior Subcommittee if they would concur.

Mr. NICKLES. I agree with the Senator from Idaho that we not propose an amendment now, but that the issue be discussed in the conference if the agency has not yet acted in accordance with the Congress' direction of last year.

Mr. BYRD. I understand that the agency will act by September 30, and encourage them to do so. If the Forest Service does not act prior to the conference on this bill, it will just increase pressure on the conferees that we consider this matter, which is authorizing in nature. I have consistently stated my desire that such authorizing matter be kept out of the Interior bill, and failure by the Forest Service to act by the end of the year will send absolutely the wrong signal.

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

SEC. 322. FOREST SERVICE DECISIONMAKING AND APPEALS REFORM.

(a) IN GENERAL.—In accordance with this section, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 et seq.) and shall modify the procedure for appeals of decisions concerning such projects.

(b) NOTICE AND COMMENT.—

(1) NOTICE.—Prior to proposing an action referred to in subsection (a), the Secretary shall give notice of the proposed action, and the availability of the action for public comment by—

(A) promptly mailing notice about the proposed action to any person who has requested it in writing, and to persons who are known to have participated in the decisionmaking process; and

(B)(i) in the case of an action taken by the Chief of the Forest Service, publishing notice of action in the Federal Register; or

(ii) in the case of any other action referred to in subsection (a), publishing notice of the action in a newspaper of general circulation that has previously been identified in the Federal Register as the newspaper in which notice under this paragraph may be published.

(2) COMMENT.—The Secretary shall accept comments on the proposed action within 30 days after publication of the notice in accordance with paragraph (1).

(c) RIGHT TO APPEAL.—Not later than 45 days after the date of issuance of a decision of the Forest Service concerning actions referred to in subsection (a), a person who was involved in the public comment process under subsection (b) through submission of written or oral comments or by otherwise notifying the Forest Service of their interest in the proposed action may file an appeal.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2520), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

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

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. AKAKA) appointed Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mrs. MURRAY, Mr. NICKLES, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. GORTON, Mr. HATFIELD, and Mr. BURNS conferees on the part of the Senate.

Mr. BYRD. Mr. President, I wish to thank my colleague on the other side of the aisle, Mr. NICKLES, for an outstanding performance, for his outstanding work, and for his characteristic courtesy, understanding, and cooperation. This kind of cooperation and teamwork is invaluable, as far as I am concerned, and to the Senate, I would say.

Also, I wish to congratulate and express my gratitude to all of the staff people who worked so hard: Sue Masica, Cherie Cooper, and our floor staffs on both sides of the aisle for the help they have given in working out amendments, working out the colloquies, and working out time agreements.

We have beaten the deadline that we gave the Senate. We finished the bill before 1:30 p.m.. It is a very difficult bill, too, may I say.

Let me also thank all of my colleagues who have been so understanding and cooperative. Also, I would like to particularly thank Senator HELMS. He had it within his power, in the context of the rules, to delay this bill over to next week. But he did not do so. So I express my personal gratitude to him.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, let me just say it is always a pleasure to work with Senator BYRD. I compliment him for his management of this bill. He, as usual, shows great leadership. To pass this bill with several potential controversial amendments and to do so in this short of a timeframe, I think is a real testament to his leadership, and I appreciate that.

I would also like to echo his compliments to the very able and professional and competent staff which we have seen exhibited, to Cherie Cooper on our side and Sue Masica and many others on the majority side. They truly are professionals. They have done an outstanding job.

I think we have put together a very good bill that we will take to conference.

I also wish to thank my colleagues, because we had a lot of demands, a lot of requests, a lot of competing interests, and I believe we were successful in trying to accommodate those interests and come up with a good package as well.

So I thank my colleagues and the staff, but, most of all, I thank Senator BYRD for his leadership. We were at a point yesterday evening where we had one amendment that could have grown significantly in time and maybe bogged down the entire process and not enable us to finish the package. I think he showed great leadership in making not only that amendment come to a head but also this entire bill.

I appreciate that and compliment him for his leadership.

Mr. BYRD. Mr. President I thank my distinguished and able colleague.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BURNS addressed the Chair.

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

Mr. BURNS. Mr. President, I would like to take this time to thank the managers of this piece of legislation as it goes through. I am happy to be a part of solving maybe some of the big problems that we face in the West and particularly with this interior bill.

This is a good bill. I appreciate the opportunity to have worked on this and I appreciate the work of the managers of the bill.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MATHEWS. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

WENDELL AND JEAN FORD: A FORMIDABLE PARTNERSHIP TURNS 50

Mr. HOLLINGS. Mr. President, 50 years ago this Saturday, WENDELL FORD and Jean Neel exchanged solemn vows of marriage. It is now safe to say that they took those vows seriously. It is also safe to say that they were seriously in love on that day a half century ago—as they clearly remain seriously in love to this day.

Of course, our friend WENDELL FORD was not Senator or Governor in 1943. He was simply WENDELL, a young man who had just turned 19, and who would soon join the Army and be thrown into the maelstrom of World War II. He and Jean set up house in a trailer. They could hardly have foreseen the life they would share following the war, as WENDELL built insurance companies and embarked on a brilliant career in Kentucky politics. In the course of that career, our colleague earned a reputation as a rough-and-ready Democrat, as partisan as they come. But, for 50 years, WENDELL's real partisanship and passion have been reserved for Jean—and for the children and grandchildren of their enduring partnership and marriage.

As Senator, WENDELL is the master of rules and he carries the formidable title of whip. But do not be fooled—Jean long ago tamed this tiger. After all, Jean is a formidable figure herself, with plenty of political wiles and talents. It is not hard to see how this relationship has bonded and flourished across five decades.

Mr. President, I join our Senate colleagues in congratulating WENDELL and Jean on this remarkable milestone in their lives. With nearly 19 years in this body, Senator FORD is a senior Member; it puts things in perspective to note that WENDELL and Jean were married more than three decades before he entered the Senate. I am proud to count them as friends. I know I speak for all my colleagues in wishing WENDELL and Jean Ford all the best during their next 50 years together.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, September 14, the Federal debt stood at $4,387,136,569,001.27, meaning that on a per capita basis, every man, woman, and child in America owes $17,079.94 as his or her share of that debt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Maine, Senator COHEN.

THE REPUBLICAN HEALTH CARE PLAN

Mr. COHEN. Mr. President, the reform of our Nation's health care system is, in concert with the economy, the most critical issue facing our Nation today. Our system offers the best health care in the world, yet it is critically flawed. We spend too much and we do not spend wisely, placing our economy in jeopardy; and too many people do not have access to the health care they need.

In the words of the great essayist, Lord Macaulay, "The voice of great events is proclaiming to us. Reform that you may preserve." The Herculean challenge before us is to design a plan that somehow simultaneously controls costs and expands access, without compromising quality.

The proposal I am joining with Senator CHAFEE and our colleagues on the Republican health care task force in announcing today is the product of 3 years' worth of weekly meetings, briefings by numerous experts, countless study sessions and just plain hard work. The proposal—dubbed HEART, or Health Equity and Access Reform Today—is a comprehensive initiative, which incorporates many of the principles outlined in my own health care reform bill, which I introduced last January.

I regret I was not able to join my colleagues at this morning's announcement. I was chairing a hearing dealing with hearing aids, an issue of tremendous importance to the millions and millions of people in this country with hearing loss. But I do want to take just a few moments to express my strong support for the initiative that has been introduced by Senator CHAFEE and my colleagues, and to take a few moments to outline some of its major provisions.

First, it guarantees universal access to a standard benefit packaging emphasizing primary and preventive care. It also provides for fairer and more equitable tax treatment of health care benefits, and includes insurance market reforms to ensure that individuals will not lose their coverage if they become ill, change jobs, become unemployed, or have a chronic health condition. Health plans will have to compete on the basis of price and on the quality of the services they provide, rather than on their ability to exclude sick people from coverage.

The plan emphasizes the principles of individual responsibility and informed consumer choice. Individuals and small businesses will have the option of joining health insurance purchasing cooperatives, which will give them more buying power and access to affordable coverage. Low-income and unemployed persons could also purchase insurance through these cooperatives, with their premiums subsidized or covered by vouchers.

The plan also takes a number of important steps to contain health care costs.

Administrative costs would be reduced by as much as $100 billion a year by replacing the more than 1,100 insurance forms that clog the system with a simplified, standardized claims processing system. Increased outcomes research will help to establish the circumstances under which certain drugs and procedures are most effective, which will help reduce the costly practice of defensive medicine. And a measure of antitrust relief will be provided to enable hospitals and other providers to share costly high-technology equipment and services.

Our plan also places a greater emphasis on prevention. George Bernard Shaw once asked why we pay doctors to take a leg off, but we do not pay them to keep a leg on. We spend billions of dollars on elaborate equipment

and services once serious illness or injury occurs. Yet we scrimp on the preventive services that could have helped us avoid such situations all together. Health care reform presents us with a real opportunity to shift our emphasis from curing to preventing.

And finally, health care coverage won't do you much good if health services aren't available in your community. Therefore, our plan takes steps to increase the number of providers in rural areas in order to expand access to care for the millions of Americans who live in these underserved areas.

As we all know, President Clinton is scheduled to announce his health care plan to a joint session of Congress next week, and there certainly will be major differences between our two proposals. Our efforts today are not intended to undercut his announcement. Republicans are serious about health care reform and our purpose is not demolition, but construction.

We believe that our plan lays the foundation for a new approach to health care. We have come to the table, laid down our proposal, and stand ready to work. Obviously, there are strong differences of opinion, but we cannot afford to allow this opportunity to pass. The issue is simply too important—the need too compelling—for partisanship, and we look forward to joining with the President and our colleagues in an effort that is not just bipartisan, but nonpartisan.

Mr. President, I hope we can approach this great challenge of ours in the most constructive and intellectually honest fashion possible because the American people are in desperate need of a health care system which will deliver the kind of quality services they are entitled to at a price they can afford. This is a subject which I know both Democrats and Republicans, in fact, all Americans are concerned about.

This is not going to be resolved quickly. The issues are not going to be tied into a nice neat package and voted upon within 1 or 2 months. It has taken President and Mrs. Clinton months and months of investigation, hearings, and analysis, and only now are they coming forward with a presentation that may still, at this moment, be incomplete. Even at this late hour, one week before it is formally introduced, they continue to refine their proposal.

I assume the President also expects he will, by necessity, have to engage in a good deal of give and take and modification and compromise in order to forge a consensus which will not only stand the test of time but also gain the support of our constituents throughout the country.

I thank the President and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. I ask unanimous consent that I might proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

AN AMERICAN SOLUTION TO AN AMERICAN PROBLEM

Mr. DURENBERGER. Mr. President, during my 15 years in the U.S. Senate I have worked with many of my distinguished colleagues in various ways to improve America's health care system. I believe that we have, in this Congress, a historic opportunity for significant, meaningful, and long-lasting reform.

On May 17, the second of the deadlines set by the White House, I sent a letter to the President, my colleagues, and my constituents. The letter was titled, "The Path to Bipartisan Health Reform: The Key Differences Between the Administration and the Republicans."

I ask unanimous consent that the letter be printed in the RECORD.

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

(See exhibit 1.)

Mr. DURENBERGER. My goal was to facilitate bipartisan consensus by identifying points of agreement and differences among us. Now, nearly 4 months to the day since that letter, I want to update where we stand.

It was once said that progress has little to do with speed and much to do with direction. In this period of time, policymakers in Washington have gained a sense of direction for real health reform.

We now have five proposals floating on the complex sea of health reform. The newest entrant is Health Equity and Access Reform Today—the acronym HEART—drafted by the Senate Republican task force. I would like to congratulate my friend and colleague from Rhode Island and his staff for their sustained effort to produce the task force position paper.

A key distinguishing factor among these plans is the extent to which they rely on Government or the market. On a role-of-government scale, with little or no Government, a 1 and Canada a 10, the Medical IRA approach of some Senate and House Republicans is a 1 and the single-payer system of some Democrats—the McDermott-Wellstone bill—is a 10.

Legislation to promote local markets following national rules will not necessarily be a five or a six. I have been a regular participant in both the Jackson Hole group since 1989 and with its founders since 1979, and I have been a weekly participant with the Republican task force since its creation in 1990.

I would say the Republican task force approach, called HEART, may be that five. I would also say the President's American Health Security Act might be the six, according to some people, or it might be an eight, but it is definitely not a four or a three or a two or a one.

The Managed Competition Act, which is being prepared by moderates and conservative Democrats in the Senate and the House, I trust will be probably the middle too. Its nonpartisan approach is one that the proponents of both HEART and the President's American Health Security Act can support.

All five of these proposals, and particularly the three which are in the middle of the spectrum, are the result of serious work for which we can all be proud.

A recent Lou Harris poll reported that policymakers in the House and the Senate of the United States have significant gaps in the knowledge base needed to evaluate proposals before them. I suggest, Mr. President, that this so-called gap is much less among my colleagues who have worked on these plans. Republicans in the Senate have held weekly meetings for 3 years to learn about and discuss health reform options. The Conservative Democratic Forum has worked for several years on refining its plan, and the administration has been at it for a solid 8 months.

I continue to believe that there can be no Republican solution nor Democratic solution. The only way we are going to accomplish our shared goal of national reform is through bipartisan agreement. Many of my Republican colleagues share my intention to work with Democrats and the Clinton administration to accomplish this goal.

It is my hope that we keep all three of the centrist plans pointed in the same direction as we begin the incredibly difficult task of building consensus among interest groups and, more importantly, among the people of this country.

I also believe there are some common principles that all three of these more centrist programs share. We must constantly reinforce those common principles even as we debate the areas where we disagree.

President Clinton recognized that the costs of health care are rising beyond the reach of many Americans. Cost escalation creates the coverage problems that have led many Americans to be insecure about their future ability to buy financial security in the form of health insurance. He recognizes that in order to reduce costs, we must raise our appreciation of quality and value. And that can only be done at the community level in the relationships between patients and their caregivers.

The key to cost containment then is to change the way we buy health care. With smart buyers operating with good information about price and quality, we can change the way medicine is delivered. The result will be real value in health care purchases—higher quality for a lower price—and that is what value is all about.

All three of the plans in the center of the policy debate are committed to market reform. We have all clearly rejected a Government-controlled, single-payer system. Americans will not go to Canada because too many Canadians are already coming to the United States for their health care. We want an American solution for an American problem.

The Republicans and moderate Democrats agree generally on market reform. There are differences in detail, but both are committed to national rules and local markets. The Government sets the rules of the road and the private markets do the heavy lifting. The Clinton proposal gives a strong nod to markets but it riddles them with regulation in the form of premium caps, fixed budgets, and State government regulation. These constraints could well choke off productivity in many markets and will certainly impair innovation in the private sector.

Among my concerns with the Clinton plan are the cumbersome State-run bureaucracies called health alliances masquerading as buying cooperatives. I am concerned that employer mandates will eliminate jobs and injure local economies and again distort the willingness of employers to provide for the health care of their employees.

We must also remember that we need national rules for these local markets. The rules must not interfere with market competition. We must be careful not to delegate too much authority to State governments, and for those of us who think in terms of States as laboratories, let me say the real laboratories in health care reform are local communities, not the States. State government, whether in Little Rock, AR, or St. Paul, MN, is government just as much as it is in Washington, DC. States are no more equipped than the Federal bureaucracy to replace the value of markets.

So, Mr. President, we do not want to force national employers to play by 51 different rule books. That flies in the face of administrative efficiency and simplicity. Even the HEART plan introduced today gives too much discretion to States in my book, and I hope to make this case to my colleagues as the debate proceeds.

As we build consensus, let us keep our eye on the prize; that is, sound markets that will bring us lower prices and higher quality.

Let me conclude with a few do's and don'ts:

Do not let the States overregulate health care in the name of State laboratories.

Do not force efficient States like Minnesota, Utah, and Oregon to finance wasteful health care spending in other parts of the country.

Do not force small employers to purchase high-cost plans.

Do not force national employers to play by 51 different sets of rules.

Do not impose inflexible budgets and arbitrary caps.

Now for some do's:

Do reform health insurance. Create opportunities for accountable health plans. Pass the small group insurance legislation I drafted in 1990 and which the Senate passed twice in 1992 as S. 1872.

Do reform the way Americans buy through accountable health plans.

Do reform Medicare and Medicaid. They are part of the problem; they must be part of the solution.

Do address issues of public health and long-term care. Health is much more than health insurance.

Do be honest about the financing of any plan. We will all lose credibility with the American people if we are not. Do not avoid specifics.

Do get costs under control first and then phase in coverage for all. It is better to do reform right than to do it fast.

So, Mr. President, I look forward to a healthy debate on our differences, but I pray that the debate will focus on our shared values as we hammer out the compromises necessary to succeed. It is going to be a long, hard process. The issues are complicated and the stakes are high. But our hopes, our spirits and our standards of fair play and good will should also be high.

We are poised to engage in a historic enterprise and we owe it to the people of this country to do it right. Let us measure our progress by our sense of direction and not our speed.

Mr. President, let me conclude by asking unanimous consent that a report which I put out today on the State of Minnesota be printed in the RECORD. It documents how that particular market can show the way for everyone else in the country to raise quality and lower costs.

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

THE MINNESOTA HEALTH CARE MARKET: COMPETITION WORKS

(By Dave Durenberger)

The key to comprehensive health reform in America is cost containment. Rising costs have priced some people out of the insurance market and have made others fear the loss of health coverage in the future. Our goal of universal access to health insurance will be unattainable if we do not get a handle on escalating costs.

Supporters of a government-run, single-payer system claim that the only way to control costs is through price regulation. Advocates of market-based reform contend that price competition will lead to lower costs. Economists have been busy trying to estimate the cost implications of both approaches. Their predictive models are complicated and the theoretical projections of the savings of each approach are all over the map.

In my view, government regulation may be able to put a lid on costs in the short run. However, price controls lead inevitably to lower quality and arbitrary rationing. Government efficiency is an oxymoron.

I believe the only way to get costs under control is by making health care markets work. Competitive markets will change the practice of medicine by rewarding providers who offer high quality at the lowest possible price.

My belief is not based on theories or speculation. It is based on the facts of the Minnesota health care market today. Minnesota has developed many of the essential conditions for a sound market. Continuous improvements have occurred and will continue as Minnesotans strive to do even better.

This report tells the Minnesota story. It highlights the impressive cost figures, identifies the key attributes of the competitive market in Minnesota, and notes the additional changes that would lead to even greater savings. Minnesota's health care market in not perfect. But, it provides real proof that markets can bring us high quality at reasonable cost. This is something that government regulation will never do.

MINNESOTA HEALTH CARE COSTS AT A GLANCE

The Twin Cities have the lowest health care costs of the nation's 16 largest metropolitan areas.

In 1991, health care costs in the Twin Cities were 18 percent below the national average (based on local premiums for a standardized benefit package).

In 1992, Rochester's costs were 22% below the national average, ranking 907th of 1050 cities.

Twin Cities employers (15–45 employees) pay 15 percent less than the national average for the most common comprehensive indemnity plan.

Medicare uses the AAPCC (average adjusted per capita costs) formula as a method for calculating rates paid to health maintenance organizations (HMOs) for Medicare beneficiaries (called TEFRA risk contracts). Based on this formula. Minnesota countries' Part A and Part B costs are among the lowest of the top 50 counties that participate.

Minnesota's costs are so low that the federal government could enroll two beneficiaries in Duluth for every one in Philadelphia—with money to spare!

The State of Minnesota Employee Group Insurance Program reduced annual premium increases from 42 percent annual increase in 1989 to less than 6 percent in 1993, saving the state millions of dollars annually.

The Mayo Clinic, recognized worldwide for its quality of care, had an annual rate of cost increase of 4.8 percent between 1988 and 1992.

Health care costs as a percentage of U.S. average

	Percent
16. Minneapolis-St. Paul, MN	0.82
15. Atlanta, GA	0.98
14. Dallas, TX	1.01
13. Cleveland, OH	1.06
12. Baltimore, MD	1.09
11. Chicago, IL	1.11
10. Houston, TX	1.13
9. Washington, DC	1.18
8. San Diego, CA	1.21

	Percent
7. San Francisco-Oakland, CA	1.21
6. Boston, MA	1.23
5. Detroit, MI	1.31
4. New York, NY	1.31
3. Philadelphia, PA	1.35
2. Los Angeles-Anaheim, CA	1.36
1. Miami-Fort Lauderdale, FL	1.38

Source: Medical Cost by Geographic Area, 1991, Milliman & Robertson, Inc.

WHAT DOES IT TAKE TO MAKE A MARKET WORK

Essential Factors for a Sound Market

Sellers in sufficient numbers without monopoly power or collusion, and with freedom of entry and exit. In a truly competitive market, sellers will be rewarded with more business for offering greater efficiency and higher value.

Buyers armed with information, funds to make a choice, incentives to consider price, satisfaction and quality, and power in the marketplace to force sellers to compete.

Government working as a referee, not a player, to correct sources of market failure. Government must not work to replace the market by setting prices or rationing care.

In health care, the sellers are the providers (doctors, hospitals, other personnel) and the buyers are employers, individuals, or government buying for the Veterans Administration, Champus, Federal Employee Health Benefits Program, and the Medicare and Medicaid programs. Government rules affecting the competitive health care market include tax policies, insurance regulations, and antitrust and malpractice law, to name just a few.

WHAT MAKES MINNESOTA DIFFERENT

Some say that Minnesota's low cost health care environment exists because Minnesota is "different"—that there is something in the Scandinavian genes, the proximity of Lake Wobegon, the weather, or some other unknown factor inherent in the region. In most respects, Minnesota has communities like those all over America. That is, people living in close proximity whose commonality is derived from regional identification, e.g.—sports teams, ice fishing, newspapers—and cultural values shaped by its families, churches, schools, and neighborhoods.

What is different is the manner and the pace in which the health care market has evolved in Minnesota. Understanding the evolution of the market will provide lessons for other regions. It is true that all markets are essentially regional or local. The challenge is to understand communities and to adapt regional differences to produce sound markets. Minnesota is truly a laboratory for experimentation. But its successes can be replicated by others.

Sellers: Changing the Way Medicine Is Practiced

The traditional American medical provider marketplace has been seriously fragmented, with solo practitioners paid on a fee-for-service basis, numerous hospitals, and a wide range of insurance companies offering many different coverage options.

Minnesota has been a pioneer in efforts to organize the delivery of health care to achieve greater efficiency and higher quality. Minnesota has been blessed with visionaries among physicians, business and labor leaders, and committed citizens. These individuals sowed the seeds for innovative ways to deliver health care.

The Mayo Clinic in Rochester has been providing care to patients for more than 100 years. Dr. William W. Mayo started a practice in 1864 and was joined by his two sons, William J. and Charles H. Mayo. They became known as the "Doctors Mayo" practice, which was the first private integrated group practice in the nation. The Mayo concept of the integrated system and team medicine, including salaried physicians, is a precursor to today's concept of an accountable health plan or integrated service network.

Minnesota also has a strong organized farmer labor tradition. Its rural roots bred farmers accustomed to buying and selling through consumer cooperatives. The Group Health organization was founded by a consumer cooperative in 1939. However, it wasn't until 1957 that a ruling by the State Attorney General upheld the legality of a prepaid group practice as an alternative to the traditional fee-for-service over the objections of organized medical groups.

In this environment, group practices flourished, including multi-specialty clinics such as Park Nicollet, the Dakota Clinic, the Fargo Clinic, and the Willmar Clinic, to name just a few that subsequently followed the group model.

Minnesota also had a tradition of responsible and creative community and business leadership. In the early 1970s, I was part of an employer association in the Twin Cities called Public Service Options, a joint venture between the Citizens League and the Upper Midwest Council. PSO was established to explore alternative ways to purchasing and delivering public services. We focused on ways to promote competition and consumer choice in public sector institutions.

This kind of thinking was a natural corollary to reform of health services delivery. Two institutions devoted themselves specifically to fostering the growth of integrated systems of care.

For example, InterStudy, founded by Dr. Paul Ellwood in Minnesota, was an interdisciplinary health policy group that actively promoted group practice models on both a national and local level. In fact, Dr. Ellwood is credited with coining the term "health maintenance organization," now commonly used to apply to prepaid plans that provide comprehensive care to enrolled individuals. Walter McClure, another visionary from Minnesota, contributed to the development of market-based approaches to health care.

The Twin Cities Health Care Development Project, supported by local businesses, was also involved in educating the local community on health care plans in this period. It encouraged the growth of multiple HMOs that would compete with each other. It also promoted and marketed the HMO concept to large group purchasers. These efforts secured a firm base for HMO activity.

These early developments led to several key forms of managed care—the HMO, the preferred provider organization (POO) and independent practice association (IPA). HMOs are prepaid plans that provide comprehensive care to enrollees. Physicians can be either employees of the HMO or on contract with it. PPOs limit patient choice to a "preferred" panel of providers who agree to a discounted fee schedule in anticipation of receiving increased volume. The IPA is a more loosely organized referral network for physicians.

HMOs took off in the 1970s following the passage of the HMO Act in 1973. HMOs enrolled 1.9% of the Twin Cities population in 1971. That number grew to 9.8% in 1978. By 1991, over 44% of the Twin Cities' residents were HMO members.

Of course, HMO penetration figures don't tell the whole story. HMOs are only one form of managed care. Some systems of managed care only manage costs by discounting charges in exchange for volume. Only in a truly competitive market—with a few managed care plans held accountable by informed buyers—do you begin to see managed *care*, not just managed *costs*.

Hospitals were also affected by the changing practice patterns. In the 1970s, health plans began to put hospitals in competition for patients enrolled in the plans.

In order to compete, hospitals had to become more efficient. Over the past decade, the equivalent of ten 400-bed hospitals closed down in the Twin Cities.

Percentage of population in an HMO by State

	Percent
California	33.4
Massachusetts	30.9
Minnesota	28.3
Oregon	26.4
Michigan	16.5
Pennsylvania	14.5
Florida	2.4

Source: Source Book of Health Insurance Data, 1992

Hospitals began to consolidate and merge. At this time, in an area with a population of 2.3 million, there are three dominant multihospital systems in the Twin Cities: Health Span, Health East and Fairview.

As a result of this activity, Minnesota ranks among the top 18 states, with occupancy rates over 65 percent—one sign that we are making progress in reducing costly excess capacity. The Twin Cities have lower hospital costs per day than almost any major city in the nation.

Change continues to characterize the hospital marketplace in Minnesota. It remains highly competitive. Hospital systems have begun to formulate plans to become HMOs. These developments are further evidence of a marketplace integrating functions so that health care delivery is coordinated and efficient.

Of course, hospital consolidation and closure is not without negative effects, particularly in rural communities. Some larger rural hospitals, especially tertiary care providers, have experienced pressure as Twin Cities hospitals compete for rural referrals.

In regard to smaller, primary care hospitals, government can help them weather the transition. In 1987 I took an idea that was proposed in Eveleth, Minnesota and translated it into the Rural Health Services Transition Act. It guarantees federal grants of up to $50,000 per year to small rural hospitals to help them ensure access and adjust to changing conditions.

Over the past few years, these funds have helped numerous rural hospitals. Minnesota was the second highest recipient in the nation for the 1990-1992 grant years. Twelve hospitals received awards. The Kanabec Hospital in Mora used the grants to shift toward a greater focus on outpatient care. Hendricks Community Hospital renovated the facility to coordinate services between the hospital and less intensive elderly care.

A spirit of change has affected health care markets all across the state. I am constantly learning about creative networks that take many different forms, from Itasca, to Chisago Lakes, to New Ulm. Networks are beginning to service large areas that transcend state lines. For example, the Fargo Clinic in North Dakota provides services to northwest Minnesota, the Sioux Falls area services southwest Minnesota, and there is vigorous competition in southeastern Minnesota, western Wisconsin and northern Iowa among the Mayo Clinic in Rochester and networks in Wisconsin including Marshfield, Gunderson and La Crosse.

Buyers: Changing the Way Medicine Is Purchased

Minnesota is now experiencing creative buying arrangements as well. Competition on the basis of price and quality requires informed purchasers. In the traditional fee-for-service indemnity market, individual buyers have little or no information on the cost or quality of care.

For buyers to purchase wisely, they must have adequate information on the services they are purchasing, they must have incentives to take both cost and quality into consideration, and they must have negotiating power in the marketplace.

Employers Lead the Way

Employers have led the way toward better purchasing of health care. In the 1980s, large employers began to offer a choice of HMOs and traditional indemnity programs. Many made the mistake of pricing their contribution to employees' premiums at the cost of their indemnity plans. This allowed HMOs and PPOs to shadow price their products just under the indemnity plan. Then they could generate profits from the deep discounts they demanded from providers or use these funds to purchase costly frills. This buying strategy did not encourage competition on the basis of cost and quality.

However, as corporate buyers became more sophisticated, the managed care plans in Minnesota have become the leaders in low cost and high quality. The fee-for-service providers have had to reduce prices in order to compete.

While the organization of the delivery of medicine was changing rapidly in Minnesota in the 1970s and 1980s, few buyers took advantage of their market power. Some large employers had been receptive to HMOs and other forms of managed care. However, these buyers did not exercise effective leverage in the changing marketplace and did not make demands for information and value from the providers of care.

Recently, buyers have formed powerful, knowledgeable purchasing groups and have begun to accelerate price and quality competition among providers. Minnesota buyers were fortunate because the consolidations in the marketplace that had already occurred among providers made their efforts to buy wisely much easier than in a totally fragmented marketplace.

Minnesota Purchasing Coalitions

Group purchasing coalitions have formed in both the public and the private sectors. They represent large and small employers in urban and rural communities. Examples include:

The Business Health Care Action Group (BHCAG) includes 14 large Minnesota firms which have formed a purchasing cooperative. Their goal was to purchase care from a single integrated system directly accountable for high quality and affordable cost.

The Employers Association is a group of 400 smaller businesses. Their goal is to exercise more power in the marketplace through large numbers. This group recently signed an agreement with Prudential to offer a plan to participants.

Minnesota Business for Health Care Market Reform organized in late 1991 to encourage private sector reform. Members participate in a region-wide buyers' coalition.

The community of Owatonna formed a partnership between providers and a group of employers called the Owatonna Health Care Partnership (OHCP). Its goal is to design and implement a managed health care system that emphasizes delivery of quality health care services to consumers in the community.

In January of 1993, employers in Red Wing, Minnesota formed a coalition called the Quality Health Network to purchase health care on a group basis direct from local health care providers.

The State of Minnesota Employee Group Insurance program serves 151,000 state employees and dependents. It has instituted a "managed competition" approach that has drastically reduced escalating costs. The program offers a wide range of managed care plans in every county in the state. Through incentives for wise buying, the program has reduced the annual premium increase from 42 percent in 1989 to less than 6 percent in 1993. This comes close to the goals of reforms to keep health care costs at more reasonable rates of growth.

A recent University of Minnesota report shows that competitive market structures generally reduce premiums overall, and that the higher market penetration of HMOs always reduces premiums for other forms of health care delivery such as IPAs.

Managed Care for Medicaid and Medicare

Additionally, Minnesota has a demonstration project to place its Medicaid population in HMOs. Currently 20% of the medical assistance population is enrolled. Ten percent of the top 50 counties participating in prepaid contracts in the Medicare program are in Minnesota. Twenty one percent of Minnesota's 597,000 Medicare enrollees are in forms of prepaid contracts. Unfortunately, problems with Medicare's arbitrary payment formula, which is based on a percentage of the AAPCC, has inhibited the growth of this cost-saving form of Medicare purchasing.

These charts illustrate the significant cost savings that Medicare HMO programs have generated. As we move into health reform, the Minnesota Medicare experience presents an important model. It is an excellent example of the fact that government, whether state or federal, can buy health care wisely, too.

1991 AAPCC rate for selected counties

Philadelphia, PA	580.89
Wayne, MI	512.52
Norfolk, MA	449.27
Ramsey, MN	357.08
Hennepin, MN	353.07
Dakota, MN	316.23
St. Louis, MN	267.64

Source: HCFA

Percentage of Medicare enrollees in managed care plans

	Percent
California	26
Oregon	22
Minnesota	21
Florida	13
Massachusetts	5
Michigan	1
Pennsylvania	1

Source: HCFA/BDMS.

MEDICARE EXPENDITURES IN MINNESOTA

	Percentage below national average	Ranking among States (50=lowest)
Patient days	39	50
Admission rate	21	48
Average length of stay	22	46
Average charge per capita	23	42
Charges per capita	39	50

HOW DOES MINNESOTA'S MARKETPLACE COMPARE TO MANAGED COMPETITION:

Market Reform

Health reform advocates have adopted the term managed competition as a shorthand way to describe a market-based health care system. We have explored the essentials of a market and its relationship to Minnesota. Here is how the managed competition approach relates to market principles.

In its simplest form, managed competition means that the government facilitates market forces, but does not replace them. The institutions that managed competition seeks to create exist in Minnesota in some form.

Elements of Managed Competition

Accountable health plans (AHPs) selling; a basic benefit package to a market of; buyers organized in purchasing pools (HIPCs or alliances) with adequate information to make informed choices and; equitable rules for insurance pricing.

Minnesota's managed care environment has changed the way medicine is organized and practiced. The HMO and PPO are similar in form to the accountable health plan that is central to the managed competition approach. Like the AHP, the HMO and PPO provide a full range of integrated services, often for a single capitated payment. These forms of AHPs dominate the market in the Twin Cities and have influenced practice patterns throughout the state.

The managed competition model requires a basic benefit package offered by all AHPs. HMOs offer a comprehensive benefits that are generally comparable because of the requirements of HMO Act. The consolidation of the marketplace (4 or 5 dominant plans) makes consumer comparison of price and quality significantly easier than in a fragmented fee-for-service marketplace. This is not to say that the marketplace contains an optimum amount of information on price and quality. Sufficient data is not yet available, although plans are beginning to develop "report cards" that will improve consumer comparison shopping.

In a managed competition model, the purchasing group, often called a HIPC (health insurance purchasing cooperative) or a buyers health alliance, obtains leverage in the market by buying in a group. The Minnesota buyers have begun the process of grouping, although not every citizen is yet part of a buying group. Those who obtain coverage within a group are better able to purchase at competitive rates.

Reform of the insurance market is also an essential element. As long as sellers can segment risks down to the individual level, the individual cannot assert power in the marketplace.

In 1991, I introduced a small group insurance market reform bill, S. 1872, and was joined by then Senator Lloyd Bentsen in 1992. The Senate passed the bill twice, but it was never signed into law.

In 1992, the State of Minnesota enacted small group insurance reform as part of its MinnesotaCare legislation. The plan will apply to employers of 2–29 employees. It limits rate increases, guarantees issue, renewability and portability. Premium rates can only vary within 25 percent of the index rate to avoid wide fluctuations in rates among individuals. With insurance market reform, Minnesota obtained another important element of a sound market.

Role of Government

Managed competition does envision a limited role for government. In the area of market reform, it is important to note that sound markets are not naturally occurring. Markets always require some form of government oversight to ensure desired competitive conditions. Examples of government intervention include antitrust laws, tax policy, and insurance regulation. Government

should facilitate market activity, not undermine it. There is often a fine line between government setting the rules of the road and government sitting in the driver's seat. When the line is crossed, we get regulation, not competition.

Government has played a minor role in the evolution of the Minnesota health care marketplace. Almost all of the many achievements of the marketplace have been initiated in the private sector.

Rules of the Road

Both the federal and state government can promote and guide the development of the marketplace. The MinnesotaCare legislation contains some useful reforms that will accelerate the competitive market forces. The bill included insurance reform, and established rules for the formation of integrated service networks, Minnesota's name for AHPs. It also facilitates the formation of small group purchasing organizations on a voluntary basis. The Minnesota Health Care Commission is currently laboring to define a basic benefit package. The state must avoid trying to determine exactly how competitive plans should look or to direct the outcome of market competition. As the state refines its efforts, it must be mindful of the limits of government.

Indeed, government at any level must resist the tendency to become too regulatory. There is a danger that some state governments might use their power to impose regulatory barriers to competition to protect inefficient state-based providers. Markets must be protected against inappropriate government interventions. Just as buyers and sellers can learn from observing the Minnesota market, so too can the federal government learn from the state experiences. As we move closer toward national reform, the federal government must also resist the tendency to micromanage the marketplace.

Government Guarantees Access

Sound markets can raise the quality of care and lower prices through competition. However, even the best markets can't guarantee access to care for all. Only good government policy can do that.

Government has a responsibility to ensure universal access to the reformed market for health care. I support a system of vouchers that would help recipients pay for accountable health plans.

The federal government is also a buyer of health care for the 36 million Medicare beneficiaries and the more than 30 million Medicaid recipients. The Medicare program has failed to design viable financing to encourage HMOs to offer contracts to Medicare beneficiaries. With reform of this aspect of Medicare, Minnesota could quickly move toward full HMO enrollment for Medicare beneficiaries.

To do reform right, we must also totally restructure the tax policy, social insurance, and welfare policies which account for nearly half of the nation's $900 billion health care tab. Government policy also drives the rest of the costs upward through incentives that are detrimental to quality and cost.

Government can play an important role in the acquisition, evaluation, and dissemination of information on health outcomes. Government can help us understand what works and what doesn't work, so that everyone can get value for their expenditures.

CONCLUSION

President Clinton and the Congress have placed health care reform squarely on the national agenda. Our limited federal resources require that we design a health care system that can produce higher quality care for more people at lower costs.

It is my believe that market-based reform is the first step to success. I am also convinced that Minnesota's marketplace demonstrates how a competitive system can work. As I have pointed out, Minnesota's market is not perfect, but many essential elements exist.

The lessons of Minnesota are real and valuable. The cost-reducing power of competitive health care markets is not mere theory. Minnesota's health care market works. The results in terms of lower costs and higher quality are indisputable. And, Minnesota's experience can lead the way for successful, market-based health care reform in America.

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EXHIBIT 1

THE PATH TO BIPARTISAN HEALTH REFORM

KEY DIFFERENCES BETWEEN THE ADMINISTRATION AND REPUBLICANS

(By Senator Dave Durenberger)

Congress and the President agree that our national goal in health care is universal access to high quality care through universal coverage of financial risk.

We agree that reducing the cost growth in medical services is key to our success. We agree that only an American solution to the cost of health care can reduce that growth from the current and projected 20% of GNP by the end of President Clinton's first term (what he calls the cost of doing nothing) to 10% of GNP by the end of his second (or Bob Dole's first). And that should be our goal.

We agree that true consumer choice and producer competition is the American solution and that something called "managed competition" can make medical markets work.

So at meetings the last two weeks we've aired our differences on two crucial issues. They are:

"Who manages competition?"

"How do we pay for universal coverage?"

WHO MANAGES COMPETITION?

Not all congressional Republicans and Democrats believe that managing competition is the solution to cost containment.

Some Democrats believe that universal coverage is more important than fixing the market. Indeed, some don't trust markets at all. They favor state or federal government regulation of prices for services. Sometimes they use the term managed competition to describe this regulated system, but with so much government, there is little competition to manage.

On the contrary, some Republicans stress the competition over the management. They believe that individuals, completely unassisted, should "manage" competition. They argue that if every American were required to pay for the first, say $3,000, of medical services and government guaranteed access to catastrophic insurance protection of greater risks, individuals could select the best physicians and services and competition would flourish.

They are both mistaken. Let's look closely at what markets require to work well. The current market in medical services does not work because we consumers do not have the

information we need to judge what is of value to us, nor the incentive to acquire that information. Indemnity insurance has combined with fee-for-service medicine to rob us and the providers of the incentives we need to do what is right. We need to change how we buy and how we sell health care services.

President Clinton and a large number of Democrats and Republicans seem to favor a system that changes how services are delivered by changing the way consumers buy coverage. Large employers and cooperative—consumer managed—groups of individuals and small employer purchasers will demand information about cost and quality of health plans.

These plans compete for our business by providing us each year with better health and medical services, more information about what "works" and by increasing our satisfaction level with one plan compared to others.

The most competitive plans will link the financing and administration of services with the medical caregivers. Paid by an annual premium (not on fee-for-service), they will have the incentive to deliver high-quality, cost-effective care. Physicians make most of the diagnostic and treatment decisions. So, rewarding good physician behavior should be the key to higher quality and lower cost.

We know this works because we have evidence in several key markets. The Mayo Clinic and a growing number of multi-specialty clinics in the United States have achieved the size and scale to do excellent medicine at low prices. Mayo's cost increases the last 10 years are 4.8% a year against a national average of 11%.

If every insurance plan in America covered first class airfare to Rochester, Minnesota, our national prices for health care would be less than 10% of the GNP today! In Los Angeles and Miami today, you pay insurance premiums that are 78% above the national average while in Rochester, Minnesota, they are 23% below the average. In Minneapolis-St. Paul, Minnesota, they've dropped from 10% to 15% below the average in ten years of competition "managed" mainly by employers choosing among several strong "accountable health plans".

Decisions about appropriate use of specialists, technology, hospitals and other care settings are made by the medical providers. Decisions about satisfaction and value (appropriate price) are made by consumers.

In order to help consumers make good choices, we need to provide better and more useful information for them. Minnesota's health care market, despite its successes, lacks the necessary information for truly effective consumer choice.

A growing number of state governments, pressured by rising costs of Medicaid and politics, are pressing enactment of laws to prescribe the power of purchasing groups, to dictate doctor-hospital-technology relationships and to authorize purchasing groups to set prices paid to providers.

This is antithetical to markets which reward the choices of good providers with more business and which then pass the dollar savings on to the purchasers of accountable health plans (us).

HOW DO WE PAY FOR UNIVERSAL COVERAGE?

This is where the differences between the Democrats and the Republicans present the President with his greatest difficulty. And, may also present him with his most significant opportunity.

Today there are three differences between the Republican approach, on which more than 40 Republicans in the Senate agree, and President Clinton and the Democrats.

1st: Timing of Universal Coverage

The President and the Democrats want universal coverage legislated this year and in place by 1996. The President and the Democrats seem willing to raise taxes by $100 billion a year to accomplish it.

Republicans oppose universal coverage now for several reasons:

Very substantial price disparities for the same services exist in different parts of the country. A majority of the states are below the national average and about a dozen states are above the national average. Universal coverage now means that states in which the medical practice has been conservative or in which efforts at reform have been increasingly successful would be sending large amounts of tax money to reward inefficient care givers and communities. Adding millions quickly to coverage paid by third-party payers in these and other states will run up the costs and utilization beyond all expectations.

In addition, the reason Republicans reject universal coverage now is that the imposition of universal coverage on the current marketplace will impede and probably defeat efforts to bring costs down through market reform.

The Republican position is that we must provide the national policy framework to restore sound markets a community at a time and then move to universal coverage by redesign of public policies which subsidize the price of health plans for all Americans.

Republicans believe that the process of redesigning public policy can begin now with the passage of insurance underwriting reforms—including guaranteed issue and portability from job to job—which were included in S. 1872, the Bentsen Durenberger bill that passed the Senate in August of 1992. We also believe that we should encourage buyer coalitions to bring about reform of the delivery system.

We believe Medicare should be restructured to provide more comprehensive benefits through the purchase of an accountable health plan. This would replace the confusing and uncertain part A/Part B/Medigap patchwork in the present system. We agree that long term care should be built into Medicare, and that the promise of retiree health benefits by private firms should be supplemental to the Medicare program.

Republicans believe that the current $100 billion annual payroll and income tax subsidy should be restructured. The current system favors well-paid employees and punishes the self-employed. We need a more equitable tax subsidy keyed to the price of the low-cost comprehensive plan in each community.

Republicans believe that Medicaid should be scrapped and a premium supplement paid to guarantee access to health plans for all low-income persons on a sliding income scale.

Republicans believe in individual and community responsibility for public health and for psychosocial and education-related services.

2nd: Employer Mandates

Democrats and Republicans agree that ultimately every American should own a health plan. And we agree on all underwriting insurance reforms. But, the President and many Democrats want to ensure universal coverage now with mandates on all employers to provide coverage or pay a 7% payroll tax to purchasing groups to buy health plans for employees.

Republicans support a mandate on individuals to own a health plan, but believe it should only come into effect when market reform is underway. Republicans believe that employers should be required to offer health plans, and some of us also think there should be a choice of plans presented. But, with so much inequality among employers and with so much price variation, we don't believe employers should be forced to "play or pay."

Republicans believe that unless the cost shifting onto the private marketplace can be eliminated and inequalities reduced, ERISA should remain intact.

3rd: Price Controls and Global Budgets

The President and the Democrats still talk about annual limits on state health spending through fixed budgets on providers and voluntary or involuntary price controls on services.

Republicans reject this arbitrary approach. We believe that the federal government can and should design performance targets on a market-by-market basis to measure changes in the percentage of annual cost growth. Some Republicans do believe that without enforceable annual expenditure limits, the market cannot be made to fulfill expectations of cost containment.

Republicans do not want to penalize the low-cost, high-quality states who have made good progress toward reform, nor to discourage efficient providers or high-value plans from getting more business. If market incentives are properly designed, we will see reductions in cost. Top-down budgets will just invite gamesmanship, rationing, and quality reduction—not real reform.

Republicans and Democrats have many points of agreement. But important differences remain. We are searching for a common ground, for only with bipartisan effort can true health reform succeed.

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

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent to address the Senate for 15 minutes.

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

NAVAL UNDERSEA WARFARE CENTER

Mr. DORGAN. Mr. President, I wanted to discuss an issue during the defense authorization bill, but inasmuch as I was not going to offer an amendment at the time, I decided to wait until now. The issue is the Naval Undersea Warfare Center.

This is a picture of the center. I will be showing this picture again Monday when we consider the set of base closing recommendations as a privileged motion with 1 hour debate. But let me show the picture now.

This is a picture of a building in Norfolk, VA.

This building is called the Naval Undersea Warfare Center. This building

was just built at a cost of $27 million. It is actually a pretty good-looking building. I have not seen it personally. As the picture shows, it has a big parking lot; sits down near a wooded area along some water. It is a building with a lot of special things in it, special computer rooms and special use provisions built into the building.

The ribbon cutting was this summer for this building. The taxpayers paid $27 million for it. As they stood on the steps to cut the ribbon, the dignitaries understood because 2 weeks prior to the time of cutting the ribbon the Navy had decided through the BRAC Commission that they really were not going to use this after all; they were going to move this to Rhode Island.

Mr. President, this is an egregious case of Government waste—one that could cost the taxpayer well over $100 million over the next 15 years.

This is about a botched attempt by the U.S. Navy to disguise the ill-conceived relocation of a Navy facility, using the cloak of base closure for cover.

I support the BRAC process and I certainly do not intend to undermine it in any way. Whether individual Senators see BRAC as a great thing or just a necessary evil. I believe that the Senate as a body feels pretty much the same way.

Nevertheless, I must ask this body a question. How does a Senator who has a legitimate concern about one particular item on the BRAC list, do anything about it.

It is not a good thing for the taxpayers when a recommendation like this one—one that has undergone a tortuous process and resulted in a recommendation not supported by facts—sails past the Congress unchallenged because it cannot be individually addressed.

This, ladies and gentlemen, is not how the base closing process was intended to work.

This relocation defies all sense of logic—indeed, I wish I had thought to call Vice President GORE and have him feature it in his reinventing government exercise.

The serious nature of this matter is of great concern to this body, and serves to explain why the taxpayers of this country no longer have faith in their Government to handle their affairs cost-effectively, efficiently, or wisely.

I must admit I find it baffling to be on the floor of the Senate talking about the relocation of a Navy facility from the Commonwealth of Virginia to New England. However, this is not a parochial issue. The only horse I have in this race is stopping Government waste.

Using rigged figures, unsupported cost analysis, and accounting sleight of hand, the Navy is attempting to rationalize their recommendation to move out of a new $27 million building. What is really alarming—pathetic, actually—is that the ribbon cutting ceremony for this new building—with its elaborate computer rooms and special use space—took place only 2 weeks after the base closure and realignment commission [BRAC], narrowly endorsed the Navy's recommendation to relocate the facility.

No longer able to use the cold war as an excuse to waste taxpayers money, the U.S. Navy has borrowed a game from the pages of baseball lore. The Navy has replaced the cold war with TIGWAR. TIGWAR stands for the incredible game without any rules. TIGWAR was a type of poker game played by professional baseball players when they were on the road, to fill the empty hours between games. Local fans were often persuaded to join the game even though they didn't understand it. The irony was that, only the local yokels ever lost, because the baseball players facing a losing hand, simply changed the rules.

That's what the U.S. Navy is doing. Hiding under the cloak of base closure, the Navy has been playing TIGWAR to pull off the scam of the century. So far, by arbitrarily changing the rules, the Navy has bluffed out all of the other players. It's down to just the Navy, and the American taxpayer.

In its submission to the 1991 BRAC, the Department of the Navy made a point in discussing the important difference between research and development activities which support Navy's undersea warfare activities, and the actual in-service engineering support provided for the fleet.

In emphasizing this important difference, Navy pointed to the Naval Undersea Warfare Center-Norfolk detachment, which is recognized by its acronym NUWC-NORDET, but which I'll call the center—as a vital function which was performed in Norfolk and should stay in Norfolk, near the fleet it served.

With the important continuing function of the center firmly established, the Navy and GSA set about to have a facility constructed which the GSA would lease to the Navy for 15 years, with an option for extensions beyond that period. In addition to the $27 million construction cost, the Navy and GSA together share a firm $80 million lease commitment.

Theoretically, at least, this project met governmentwide criteria: It satisfied the permanent need of a Federal agency for special use space, at a lower cost than leasing through a commercial entity would have.

At this point, logic seems to have flown out the window. In responding to the 1993 BRAC call, Navy recommended relocating the center to Rhode Island. The senior Navy official who should have concurred on this recommendation claimed in writing not to have been aware of the recommendation and to be baffled by it.

In reviewing the recommendation itself, an official of the General Accounting Office [GAO] called the action unfeasible and challenged both the Navy's rationale for the relocation and its cost assumptions upon which the recommendation was based, while further endorsing the concept that the in-service engineering needs of the fleet required a detachment presence in Norfolk.

In a separate report entitled "Military Bases: Analysis of DOD's Recommendations and Selection Process for Closures and Realignment," another GAO official found that "—DOD's practice of ignoring governmentwide cost implications remain unchanged, even though GAO has recommended otherwise," and that "these costs could be substantial when they involve moving from General Services Administration facilities—the center—into newly constructed DOD facilities."

So what does this add up to? You might ask. No. 1, through either incompetence or worse, the Navy caused the expenditure of taxpayer funds to have a special building built to meet its special needs. This process was going on at the same time that the Navy was developing a recommendation to relocate the function to be housed in that building to yet another site. Cost to the taxpayer? Approximately $27 million for the building alone, irrespective of moving and other ancillary costs.

The GAO took specific issue with the individual relocation recommendation itself, and criticized DOD for yet again ignoring recommendations to account for the governmentwide costs of its actions. While I am sure that DOD takes a measure of pride in the money it is saving by closing and realigning bases, for which I applaud them, I feel it is incumbent on the Congress to require DOD—or any other agency for that matter—to show clearly where costs to the taxpayer in general will increase as a result of a DOD action to reduce its own budget.

And that is the root of this problem, Mr. President, the Navy's action, which is supposed to save money and streamline operations, will actually cost the taxpayer money while violating common sense.

How will in-service engineering to the fleet be provided to ships in Norfolk? Does the Navy propose to fly personnel from New England to the Mid-Atlantic every day?

Last month, I wrote to Secretary Dalton with some of these questions. I asked the Secretary for some plain answers. What are the true costs? What is the real rationale?

And further, I asked the Secretary not to take any action to advance this relocation until these questions could be examined. Over 1 month later, I

have yet to hear from the Secretary's Office.

At the prodding of my staff, my office received a telephone call from a Navy individual who sought to explain and justify the decision. Only later did I learn that this was the same individual responsible for the Navy's analysis and defending their recommendation.

Mr. President, again, I want to make clear that I support the BRAC process. The changes and realignments that have been undertaken, together with the process by which they are evaluated, approved and finally take place are needed and are useful.

But I must also make clear that, support for the BRAC process and each of the fine Commissioners who served on BRAC 1993—Chairman Jim Courter and the other Commissioners did an excellent job—does not mean that mistakes are not made, that details are not overlooked. That recommendations are flawed. In this case I believe they had to work with faulty information.

Far be it from the Congress to reject the entire BRAC list because of one flawed recommendation. But how much worse would it be if we did not question those ill-conceived Navy recommendations, and allowed Navy to cover its poor decisions by aggregating them with the reasoned ones.

Mr. President, my goal is simple. There are too many controversial issues surrounding this recommendation. I am asking my colleagues to join me in requesting that the Secretary of Defense enjoin the Navy from taking further steps to implement this relocation until the General Accounting Office and the Navy inspector general have reviewed this recommendation—I have requested such a review—and can clearly and unequivocally state that it meets the criteria for approval.

I thank the Chair and my colleagues and ask their support on this issue.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. DORGAN. Mr. President, let me turn for just a moment to the issue of NAFTA. President Clinton, whom I have supported many times on votes in this Chamber, is winging his way to Louisiana today on Air Force One, set to give a speech about the wonders of NAFTA. The trade agreement will cure almost anything, they say.

The problem with NAFTA is it just does not work. It is, in my judgment, not in this country's best interests. I think it was Will Rogers who said once, observing someone: "It's not what he says that bothers me; it's what he says he knows for sure that just ain't so."

I listen to the proponents talk about NAFTA. They tell us they can create a trade agreement with Mexico, the wage level of which is one-seventh ours, and somehow we will have more jobs in America. I wonder what kind of coffee they have been drinking. Have they sat in a cafe any place in this country and tried to convince people of their position?

Do they really believe that linking this country with Mexico, with economies as dissimilar as ours are, will relate to new jobs in America? Everyone understands the dynamics here. This agreement is a product of corporate America and all of those who support those broad-minded folks, who seem to think they are the only ones who see over the horizon with respect to this global economy.

It is an effort by corporate America to access countries that pay Third World wages and to produce down in those countries and they ship their products back to access our market and sell in America. They say, Do you know something? This is going to result in more shipments, more exports from America. That creates jobs. We will export more to Mexico. This is good for both of us. Do you know how you can create more American jobs? If you have an automobile company in America, just ship the company to Mexico, have them assemble those cars in Mexico and maybe keep one part of the plant back; keep the engines back.

So you used to build the whole car here. Now you build the car down in Mexico, but keep building the engine here and ship the engine to Mexico. Do you know what that will show up as in the accounts they are trumpeting around this town? That will show up as a major advantage for our country, because now we are exporting more to Mexico. Yes; we exported the whole plant. We just send a few engines to trail along. That shows up as a major advantage. That is not a major advantage to this country. That is job loss to this country.

I am obviously concerned about agriculture. I would urge anybody who is curious about the facts—and it really is hard to get at the facts because everybody wants to talk about this global economy, looking over the horizon—to look at the agreement through the eye of a french-fried potato. Just take a french-fried potato. Freeze it; trade it from us to Mexico, Mexico to us. Ask yourself, how is it treated coming north or going south? It you are not smart enough to figure out that they have a better deal, than stop reading. You are not going to be benefited by reading more pages.

If you do not believe the potato, then take a look at the bean, the edible bean. Take a look at the bean that goes both ways, and ask yourself which bean is advantaged by this trade agreement. Or sugar.

Do not stop. You can read on to the point in the agreement that is written only in Spanish—that was a pure accident. They intended to write it in English, I guess.

But I am not just concerned about agriculture. I am concerned about the broader ramifications to this country and its trade policies.

We have been through this once with the free trade pact with Canada, and frankly we got taken to the cleaners. Our negotiators could not help but lose in a matter of days it that negotiation. They flatout sold out American agriculture with Canada. We are now bearing the brunt of all of those costs. It is costing us tens of millions of dollars of lost income, just in durum wheat, in unfair trade. Now they say before they correct the old problems, they say let us create a whole new set of problems.

At least Canada had an economy that was reasonably similar to ours, in order to try to integrate the two. Mexico has a Third World economy. Its wage level is one-seventh to one-eighth ours. When the European Common Market tried to put together countries, they had a few countries—Portugal and Spain and Greece—that were outside the norm. But they were only one-half the economic distance between the United States and Mexico. Even then, they took a long time, with an enormous amount of investigation, in order to incorporate those countries into a trade pact.

Mr. President, what is at the root here is corporate America wants very much to have an imprimatur of the Federal growth on a trade pact that allows corporate jobs to go south of the border and allows them to still access the American marketplace to sell the goods.

The question I ask is this: Where are the jobs going to be to produce the income to buy the goods if all of our production in this world flies around the globe to look for where they can find sweat wages or dollar-an-hour labor? Who is going to have the job, the income, to take these products off the shelf in our marketplace?

There are plenty of issues that we will discuss in some detail in the coming weeks. I do not support President Clinton on this issue. I think he is wrong. But this is not his treaty, after all. This is a treaty that has been negotiated in the previous administration, and is a furtherance of 10 to 12 years of, in my judgment, bankrupt trade policy.

Our trade policy is to say to other countries, "You treat us unfairly; it is fine with us. We will not do much about it. We do not have the nerve nor the will nor the skill. You go ahead."

In my judgment, it is time for this country, whether we are talking about Japan, China, or Mexico, to construct trade agreements that say to other countries, "Look, we want to trade with you, and the last thing in the world we want is to construct a barrier around our country. We want Americans to have the widest conceivable choice of foreign goods from which to choose. But there is a price for that, and the price is that as you enter the

American marketplace with your products, other countries, you open your marketplace to American products, as well, under the same conditions."

We want our goods to get into the foreign marketplace. That is called reciprocal trade or fair trade. It is not, in my judgment, in this country's interest to construct a trade agreement with Mexico that actually writes into law 10 years of arbitrary and unfair rules that put our producers in an unfair position, but then say that is OK, because after 10 years this will phase out.

That is not progress, in my judgment. That is not advancing this country's best economic interests.

What we can get from all of this, in my judgment, if we are smart, is a debate in which we finally begin to think about what should our country's trade strategy be, not just with Mexico, but with other countries in the world with whom we have a trading relationship.

As I have said, we have found ourselves to be in a very disadvantageous situation with other countries because out trade policy has, I think, been a failure. But we can change that. We can and should ask U.S. producers to compete. I am not suggesting that we shield them from competition under any conditions. I am saying, however, when we ask them to compete, that the rules be fair and we not have U.S. producers with one hand tied behind their backs.

The President, because many Democrats especially were concerned about the Mexican Free-Trade Agreement, negotiated side agreements.

These side agreements are trumpeted as the agreements that make this treaty all right. The fact is, these side agreements are like putting earrings on a hog. It might dress up the hog a bit, but you still have a hog.

There is a news report that quotes the head commerce official in Mexico:

> Flanked by a 10-foot-long flow chart showing the 65 steps which environmental and labor disputes would have to pass through before they would result in trade sanctions under NAFTA, Commerce Secretary Jaime Serra Puche defended what he called the "exceedingly long" dispute resolution process in an appearance before the Mexican Congress. * * * Panels in both environmental and labor affairs would have to be convened for each specific case. and the entire process of 65 steps of consultation and review could take as long as 600 days.

What he is saying to the Mexican Congress is: "Those are side agreements. Don't worry about them. We have constructed a Rube Goldberg device that you will never get through. It has so many steps on the ladder that no one will be able to climb it."

The President of Mexico is saying other things. He is saying, in a speech to his nation to sell NAFTA:

> Eighty-four percent of our exports will immediately be free from import duties to enter the market. We, in turn, will initially open to 42 percent of the products they send to us, which consist of mainly capital goods and other raw materials that are not manufactured in Mexico.

What the President of Mexico is saying to the Mexican people is: "We won. We won this negotiation. Don't worry about this thing. The United States has opened its border wide so we can move these Mexican goods through. But our border is still only open half as much. So we won. Don't worry about it."

NAFTA proponents say, Well, but don't worry about these jobs. This is not about jobs anyway." Oh, really?

Here is a chart that I think probably says it all. This was an advertisement in a magazine.

> I cannot find good, loyal workers for $1 an hour within 1,000 miles of here.

Then it says:

> Yes, you can: Yucatan. When the U.S. is too expensive, and the Far East is too far; yes, you can, in Yucatan.

Does anybody think it adds up to believe that this is not going to create enormous job loss in this country? This is not rocket science. This is an understanding that if you are producing something in this country and you have an opportunity to produce it down south for one-seventh the labor, with productivity that can be reasonably similar in many areas, you are going to move south.

Now, some people say, well, they have all moved south anyway, or they will anyway. We have seen a number of companies move to Mexico. Of course, they have. You bet. For precisely the reasons I am describing. But there will be a lot more moving to Mexico, because the trade agreement dissolves the fears of companies that may have said, wait a second, maybe there is a risk if I move my plant to Mexico and there is not stability there, the Mexican Government decides they are going to expropriate the assets of American companies. That is a big risk.

This trade agreement says to the companies in doubt: Do not worry about that. We have decided this is going to work. This will create an envelope of protection for you. Go ahead and move. In fact, we say we will give you an advantage. We will eliminate the tariffs on the way back, so it is easier to move there and to send your goods back to this country.

Having said all of this, I understand what the proponents of NAFTA say. I have not met one, from Henry Kissinger on down the line, the columnists and highfalutin newspapers, all of the international thinkers, who has a threatened job loss because of NAFTA. Tell me one news columnist, one politician, one hot-shot consultant that might lose his job from NAFTA.

It is the little guys who are going to lose their jobs. Lester Thurow, an economist, was before the Commerce Committee, and I said, "Is it inevitable there will be lower wages in the U.S. as a result of the free trade agreements? Is it inevitable that we will homogenize lower wages in America?" He said, "Only for two-thirds of the American people." I said, "Will we see lower wages in America because of these agreements?" He said, "Only for two-thirds of the American people."

Well, if you are one of the two-thirds of the American people, maybe that ought to give you pause.

Those folks who see over the horizon, who have some omniscient view of the world, tend to call us isolationists, xenophobes, protectionists, and the list goes on. They say, oh, oh, this guy is talking protectionism. Not at all. I am just wondering when, just once, could we win a trade agreement, or at least draw.

Could we have a trade agreement finally that at least puts us in America on an even footing with others? Why is it every time an agreement is done, their markets are still closed and ours are wide open? I just hope that some day it no longer is unfashionable to stand up and say, "I would like very much to protect the economic interests of this country in trade agreements." You way, could it be that those who negotiate the trade agreements on the part of this country do not protect them? The answer is, yes, of course, it could be. The evidence is all around us.

We are going to see, it seems to me, in the next number of months an aggressive, vigorous debate. How will the debate take shape? Well, last night I was watching television briefly, and there was a wonderfully produced ad on television about NAFTA. Was it in opposition to NAFTA? Did some person making $6 an hour, whose job is threatened, whose assembly job is threatened to move south to Mexico, decide, "I am going to produce an ad here to go on television to make my case"? No. People making $6, $8 an hour do not have the money to do that. That was a well-produced ad, bright, colorful, lively. I am sure it was produced and financed by corporate America or Mexican interests. They have a flood of money; they have a bevy and literally an army of the best lobbyists in this town pushing this issue.

Is it a fair fight? In resources, it is not. There were 22 North Dakota farmers who flew in during the middle of harvest season and spent 2 days. Farmers Union members from North Dakota—going office to office lobbying against this trade pact, because they know the details are unfair to them and that it sets them up for a raw deal. Is that a fair fight? Is that a fair skirmish, to have 22 North Dakota farmers going door to door in the Congress, and to have corporate America with colorful ads on television, or a celebration of pageantry at the White House with how many ex-Presidents, talking about the global vision here? No.

I will tell you that the best global vision for this country would be to put

our own economic house in order and construct trade agreements with other countries who use our muscle as a country which say: We demand access to foreign markets for U.S. producers, and when you give it to us, then we are willing and interested in competing all around the world on any basis you want to compete. If we cannot win in that competition, we are in big trouble. I guarantee you that we cannot win, and we will not win with those kinds of trade rules, made by those who stand around on street corners chanting "free trade." That does little to advance thoughtful debate on trade policy.

I will finish what I started to say. We will advance this country's interests and we will, in my judgment, improve this country's economic interests if in the next several months, piece by piece, we can construct a discussion about what all of this means and what all of the economic studies are about.

I was on a radio call-in show this morning, and the announcer said, "There were 80 or 90 economists who thought this was a good deal." I said, "Yes, and in the quarter before the last recession, 35 of the 40 top economists in America predicted that the next year would be full of economic growth." I used to teach economics in college briefly, but I have been able to overcome that experience. But I understand that. Harry Truman used to say, "Give me a one-armed economist. I am tired of "on the one hand" and "on the other hand.'" What do they base their assessments on?

I have two points in conclusion. In the principal study that promotes the fact that there will be new jobs created in America with this Mexican trade agreement, they talk about the new jobs created in this country by the amount of exports that go from this country to Mexico. They are silent on the issue of shipments from Mexico to the United States. They do not talk about the jobs displaced by trade coming back. That is the first point.

The second point is that these kinds of economic studies measure only what those who construct them want to measure and, in most cases, they are commissioned by some group or another to create a study with certain confines, and the study, lo and behold, usually matches the conclusions that are desired by those who wanted the study in the first place.

It seems to me that in the next 2 or 3 months, when this President advances his proposal to the Congress and seeks a debate and vote, we will best serve this country's interest by piece by piece taking apart all of these analyses to find out what is behind the economic assumptions and who really is at risk and what kind of enterprise will expand in our hemisphere and how we best represent our country's economic interests.

I am not opposed to all trade agreements. I believe there are conditions under which we could construct an agreement linking the economic interests of Canada, the United States, and Mexico in a hemispheric agreement with which to better compete against the Pacific rim or the European Community. But you do not, in my judgment, achieve that goal by constructing a trade agreement that establishes competition for jobs between the United States and Mexico. That is antithetical to everything this President is talking about regarding the creation of new jobs in this country and, in my judgment, does not advance our best economic interests.

Mr. President, thank you for your indulgence. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. SPECTER. Mr. President, this morning the Republican task force on health care unveiled a comprehensive program for health care reform which I think warrants a few comments, especially this afternoon when the Senate is not overly busy with other matters.

The product is the result of 3 years of effort under the leadership of the distinguished Senator from Rhode Island, Senator CHAFEE, and represents a comprehensive program.

The matter was unveiled today in anticipation of President Clinton's health care package so there may be alternatives to be presented to the conference when the time is right.

It is my hope that the Senate and the House will address health care yet this year. It has long been my view that the issue was ripe for consideration really at an earlier date. I took the floor more than a year ago and offered an amendment to then-pending legislation and urged the Senate take up health care reform back in the summer of 1992.

I did so because it was my view that with the hundreds of bills pending—and I believe the record will show there were some 1,500 bills introduced in the 102d Congress—that we had an ample basis and ample critical mass for moving forward with legislation.

On January 21 of this year, the day after the President's inauguration, I took the floor, complimented President Clinton on his inaugural speech, and made the comment that I had wished he had been a little more expansive on an economic recovery program and on health care and urged that the administration move promptly on the health care issue; again noting the many bills which were present. At least I saw the lack of necessity to reinvent the wheel, but to bring the matter to the floor at a early date.

I introduced, on January 21, Senate bill 18, which was the work of more than a decade on my part. I have been on the Appropriations Subcommittee on Health and Human Services during my 12½ years in the Senate and have introduced legislation—going back as early as 1985 when I noted the problem of low birth-rate babies—in April of this year I tried to bring the matter to the floor again. But there will no longer be any reason or any possible excuse for delay once President Clinton's program is public. We have the program of the Republican task force, and it is very important for the people of the United States that we move ahead with comprehensive health care reform legislation.

It is my thought that when this issue comes to the floor there will be many thoughts and many ideas. The only way the controversies will be resolved will be by the process of debate, compromise where that is possible, or votes where there are differing points of view. But we have had present for a long time a number of fundamentals which we should have addressed long ago and I think that we can promptly address.

For example, on the issue of low birth-rate babies which, as I say, had been the subject of my legislation back in 1985, I was frankly astounded the first time I saw a baby which weighed a pound, about as big as the size of my hand, a human being. When a child comes into the world weighing 16, 18, 20 ounces it is a human tragedy, with a great problem in surviving, great problem in defects which may last a lifetime and may be a short lifetime. Beyond the human tragedy, it is enormously costly with the expense ranging in excess of $100,000, sometimes $150,000, and sometimes more.

That problem can be largely solved with prenatal care and postnatal care. If we informed pregnant women, especially young pregnant women, many of them who are teenagers, the nature of the problem, that would constitute billions of dollars in savings.

I note my colleague, the distinguished Republican leader, has taken the floor.

Mr. DOLE. Go ahead.

Mr. SPECTER. He says go ahead. I can finish the remainder of the hour of my speech.

I will really conclude in the course of a few minutes.

We have a rule around here, especially fellows from Russell, KS. Senator DOLE and I hail from a small town. People ask me how big is Russell, KS? It is 4,998. It used to be 5,000 until BOB DOLE and I left town. But we left our

brothers. Unfortunately, Kinney Dole is no longer with us.

But, I shall be relatively brief.

There are many ways where we can have savings in terminal health care cost. One item: It is well known that a large part of expenditures are made in the last few years, few weeks of a person's life, and there is no systematic way of giving an individual the option of what that person wants by way of life supports, when it is obviously a terminal situation to be handled by a living will.

But if someone moves from Kansas to Pennsylvania, as I did, the laws are likely to be different and there is a Federal rule to inform people of these choices.

Again, no one should make a decision for anyone else about that judgment, but there ought to be a mechanism of informing people so they have informed consent, and let them move ahead.

There are enormous savings on insurance cost. One item that is illustrative is insurance policies customary exclude a preexisting condition. But the fact of life of litigation is that it costs an insurance company more to litigate whether somebody had a back ailment before the policy was extended, than it does to pay the cost of medical care.

There are many, many ramifications which can be resolved as threshold matters to save money. There will be points of controversy. There is a sharp difference between what has been announced by President Clinton and what has been announced by the Chafee task force this morning on mandates.

We feel, I feel, and others on our side of the aisle feel there ought to be an individual mandate with individuals being responsible, as opposed to a mandate on business, because of the difficulty of small business incorporating these expenditures.

The final comment I want to make, Mr. President, relates to the question of limitations or rationing or caps. I have long been against those limitations.

Last year in the campaign in Pennsylvania I was asked on a questionnaire whether I favored rationing, and I said no. At that time, I said that I was opposed to rationing for myself and my family and for America. In the course of the past 3½ months I have had personal experience with the health caresystem in America with a medical problem which I found by an MRI examination which the doctor said was not really indicated by my symptoms, but one which I received, in any event, and posed a life-threatening problem which was solved.

I believe that we ought to make medical care available to Americans in accordance with our resources, as opposed to the artificiality of a dollar limitation. It is not a question of the dollars, but it is a question of how many doctors and hospitals and nurses and MRI's and equipment we have to handle the medical care. We can work on the mechanism for paying once that is accomplished.

So that, as we work through this problem, is something that I had been firm on and, with my own personal experience, I am even firmer.

Now that I see the Republican leader on the floor and I see the Senator from Washington seated, I will conclude my comments with my thanks to the Chair.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I assume we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

"NO" TO VIETNAM

Mr. DOLE. Mr. President, a few days ago, the Clinton administration decided to ease the trade embargo with Vietnam by allowing United States firms to bid on development projects financed by multilateral development banks.

In my view, now is not the time to lift or to ease the embargo against Communist Vietnam. The Senate Foreign Relations Committee clearly agrees, having defeated a measure last week to call on President Clinton to lift the embargo.

Our relationship with Vietnam over the last 20 years has consisted of nothing but uncertainties and doubts. And, nothing has really changed. The recent documents received from Moscow and released by the Pentagon, yet again, raise more doubts and more questions. How can we justify rewarding a country that continually resists giving the United States a full accounting of our POW/MIA's?

Furthermore, how can we explain easing the embargo to the family members who are yet to know the fates of their loved ones? uncertainty must not result in normalization of trade or diplomatic relations with Communist Vietnam.

Vietnam speaks of a new policy of cooperation with the United States which boils down to nothing more than red carpet treatment for fact-finding representatives of the United States. But few, if any, facts are offered with the red carpet.

If Vietnam wants to cooperate, let them release information about the POW cases that Dr. Henry Kissinger raised in February 1973. Dr. Kissinger provided dossiers to Hanoi, containing news articles and pictures of our POW/MIA's which had appeared in newspapers in Vietnam, Laos, Russia, and other Communist countries. More recently, Gen. John Vessey has presented the Vietnamese with his discrepancy list containing over 135 names. No doubt about it, the Vietnamese should have easy answers to these cases since it was their photos and publications which first illustrated the fact that our men were alive. The United States should not reward Vietnam by easing or lifting the embargo until answers are provided to the POW/MIA's families.

And what about Vietnam's despicable record on human rights? At this point in time, it is a catastrophic error to waste the leverage that a tight embargo gives us without insisting that the 70 million suffering Vietnamese be accorded basic human rights.

Mr. President, according to Amnesty International and Asia Watch, Vietnam is one of the world's most oppressive regimes. In March of this year, the International Red Cross closed its office in Hanoi because its representatives were not permitted access to political prisoners.

In 1975, the so-called liberation of Vietnam—when the Communist North Vietnamese defied the Paris peace accord by marching into Saigon—did nothing but create one of the world's poorest and most repressive countries. These inhuman conditions have created an atmosphere worse than the infamous Vietnamese famine of 1945. Over 1 million proud Vietnamese have left their homeland to escape Communist rule. Rewarding this behavior by easing the trade embargo shows a serious lapse in judgment by the Clinton administration.

It was no accident that on May 24, as news of massive voter turnout in Cambodia suggested the Communists would be defeated at the polls, that a huge demonstration was held in front of the Hue, Vietnam police station in which a Buddhist monk self-immolated. This event—reportedly was witnessed by 10,000 pro-democracy Vietnamese and widely reported in the state-controlled media—surely sent shock waves throughout a regime which remembers vividly that similar events preceded the demise of South Vietnam's Diem Government in 1963. The winds of democratic change may even be blowing in Vietnam. I believe the United States should side with the forces of change not with the Communist bureaucrats who have misled us and represed their people for two decades.

A third concern is the current situation in Cambodia. Thanks to the efforts of the United Nations, the civil war is nearly over but the battle for democracy continues. One wonders what Hanoi's ultimate objectives are. For example, Vietnamese colonization of strategic real estate, including prime agricultural areas and rich rubber farms, has increased in recent years.

The President's decision to U.S. firms to bid on multilateral projects is not likely to generate much U.S. business since the MDB's procurement

process is notoriously stacked against U.S. firms. Even the head of a U.S. venture capital fund concedes the President's decision "doesn't help us much." The irony is that easing the embargo sends a signal of approval to the Communist regime in Vietnam while allowing United States firms to engage in a historically unproductive area.

Perhaps someday Vietnam will do something to deserve the easing—or even lifting—of the trade embargo. But President Clinton's decision is the worst of all possible worlds: A terrible signal condoning Vietnamese behavior is sent and received while United States businesses are unlikely to receive any financial benefit.

THE ECONOMY

Mr. DOLE. Mr. President, Will Rogers once said that "All I know is what I read in the papers."

Last year, Americans who read the papers, watched television commentators, or listened to the speeches of candidate Bill Clinton, were led to believe that America's economy was on its deathbed.

Well, a few weeks ago, the Commerce Department released figures suggesting that while the economy may have been a bit under the weather, it was on its way to a strong recovery.

According to the new figures, the 1990-91 recession was shorter and shallower than previously reported, and real gross domestic product grew at a solid 3.9 percent in 1992, with growth peaking at 5.7 percent in the fourth quarter. Yes, the economy failed to produce as many jobs as we all would have liked, but, it was, as I said, clearly moving in the right direction.

A day after the Commerce Department released these new figures, the White House finally released its mid-session review of the budget—6 weeks after the legal deadline.

The mid-session review confirms what we already knew: Economic growth slowed to a crawl in the first half of 1993. The most recent White House economic forecast projects that the economy will grow only 2 percent this year. That's significantly lower than April's rosy estimate of 3.1 percent growth, and just over half of last year's actual growth rate.

Even more interesting is the fact that over the 5 years covered in the administration's new forecast, projected economic growth falls well short of last year's performance in each and every year. Then, last week, the Congressional Budget Office—the President's hand-picked budget scorekeeper—released its own version of the midsession review. The CBO report contains some interesting information. First of all, it shows that the Clinton budget plan will not reduce the deficit by $505 billion as claimed by the White House, or even by $496 billion as claimed by congressional Democrats. According to CBO, the Clinton plan will reduce the deficit by $432 billion over 5 years. Those numbers are very close to the ones that Republicans were criticized for using during the budget debate this year.

In fact, I think we used the figure $427 billion. This is a $3 or $4 billion difference.

CBO predicts a weaker economy in 1994 and a bleaker deficit picture than the White House does. But, CBO agrees with the White House that over the next 5 years economic growth will never come close to matching last year's 3.9-percent growth rate.

The new CBO forecast predicts that between now and 1998, the economy will never grow at a stronger rate than 2.7 percent.

Why the slowdown? The Chairwoman of President Clinton's Council of Economic Advisers, Laura Tyson, is quick to point the finger at Senate Republicans for blocking the President's $16 billion spending stimulus. But, I do not buy that argument and neither do most economists—neither can my colleagues on the other side.

Over the recess, the distinguished Senator from New Jersey, Senator BRADLEY, was interviewed by Business Week. Senator BRADLEY voted for the Clinton economic plan, but he criticized all the White House hand-wringing over the loss of some of the President's tax stimulus. He said,

> Is that going to make a difference in a $6 trillion economy? Give me a break. That's not even symbolism. * * * Will it have an impact on the economy? Zero.

The same argument applies to the President's spending stimulus.

All this talk about tax increases for the President's budget plan and even more taxes for health care reform has had a more profound negative effect on economic growth than President's Clinton's proposed stimulus plan could possibly have offset.

The fact is that President Clinton and his economic team made a cold, calculated decision. In a recent interview in Business Week, the President was asked why he insisted on pushing for deficit reduction now. He admitted:

> There are really two reasons we decided in this period of slow growth that we could risk a serious deficit-reduction package. One is, I'm not sure there ever was going to be a good time. . . . second, since long-term interest rates have been quite high, there was a real chance that you would get enough refinancing . . . and subsequent reinvestment to offset the plan's contractionary effect . . .

So, there it is in a nutshell. President Clinton is gambling that lower interest rates will keep the economy moving in spite of his economic plan.

But, recent economic news suggests that the President may have miscalculated. The lowest interest rates in 25 years have failed to produce a boom in the economy. The reason is simple: The American people understand that higher taxes, more government, and more mandates will not help the economy grow and create jobs.

Consumer confidence has fallen steadily since January. In the Conference Board's August survey of 5,000 households, almost twice as many people fear there will be fewer jobs in the next few months.

And it's not just consumers that are holding back. A lot of business men and women are less optimistic about the future than they were a year ago. The small business confidence index recorded by the National Federation of Independent Business has come down every month since January.

Mr. President, there were a lot of people—Democrats, Republicans, and Independents—who had serious reservations about the President's tax now, cut spending later—if at all—budget plan. We opposed it, because we believed it would be bad for the economy. That it would destroy hundreds of thousands of jobs.

All of us remember the 1992 election. We remember that the economy was the clear focus of the 1992 Presidential campaign. President Clinton and the Democrats in Congress wanted to end divided government. They wanted accountability. Now, they have it, not one Republican voted for the Clinton budget plan.

If the Clinton plan spurs the economy to new heights, Democrats will fare well. But, if they are wrong, as we believe they are, those who are up for reelection in 1994 will have to answer to the voters.

Let me conclude by saying that if either the White House economic forecast or the new CBO forecast is right, the economy will grow at a far slower pace in 1994 and in 1996 than it did for George Bush in 1992. That is something to think about.

Mr. President, I just want the RECORD to reflect notwithstanding the statements and claims, we had a pretty good year last year. We have some problems this year. It is still our hope the economy will recover, and one way to make certain of that in my view is to do some things that might stimulate the economy not through the public sector but through the private sector. I am fearful of it maybe going in the wrong direction to accomplish that result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, yesterday we had the magnificent and seldom-seen pleasure of watching the President of the United States and three of his predecessors formally begin the debate over the North American Free-Trade Agreement. In fact, because the two absent former Presidents are also supporters of that North American Free-Trade pact, we have a situation in which six incumbents and

former incumbents in that office have joined together unanimously to ask this Congress to ratify a free-trade agreement involving the United States, Canada, and Mexico. Four are Republicans, two, including the incumbent, are Democrats.

If we reflect only briefly on that magnificent show of bipartisan support, we automatically are faced with the necessity to dismiss arguments that somehow or another this proposal will hurt the American economy and cost Americans their jobs.

It is beyond the ability of this Senator to imagine the truth of the proposition that six sitting and former Presidents would join together to do something which they regarded, or which was in fact, anything other than greatly in the interests of the United States, as well as all of its trading partners.

I believe President Clinton deserves a very real commendation for his leadership in this issue. I believe his five predecessors deserve our great praise in having put aside the very real policy differences which divide them on many issues to join with President Clinton in recommending to us that we ratify that agreement. In fact, I believe the sight of these six distinguished American leaders joining together illustrates as graphically as can possibly be illustrated the nature of the debate over this issue, the kinds of Americans who have picked one side or the other side of this issue on which to fall.

There are two fundamental views toward the future of the United States implicit in either supporting or opposing the North American Free-Trade Agreement. Those who are optimists about America, those who believe America to be the strongest economy in the world, those who believe the very policies which have led to the prosperity, not only of this Nation but of every other Nation which has embraced free market principles, those who believe the United States is and will continue to be highly competitive and that American producers need only an even break, an even playing field in order to be able to compete effectively—they have all joined together in support of the North American Free-Trade Agreement.

Optimists about this country, believers in the American dream support NAFTA. Those on the other side, those who believe the North American Free-Trade Agreement to be some kind of threat to our future or to our economy are essentially pessimists about America. Whatever they may believe about our past competitiveness, they seem fundamentally convinced that we are no longer competitive, that we cannot possibly end up creating new jobs in the United States if, horror of horrors, our producers and workers must compete with a much smaller and much poorer economy immediately to our south.

These pessimists do not explain why it is that competition has been so extraordinarily successful for the better part of two centuries. They ignore the fact that a relatively free-trade free-market economy oriented United States is infinitely far ahead of the Mexican economy which, until the last few years, put huge roadblocks in the way of free trade, and in which the great bulk of the economy was owned by the State, by the Government.

They cannot explain how it is that the greatest surge, the greatest increase in Mexican prosperity has taken place just in the last 3 or 4 years, since President Salinas has begun to free up the economy of that republic and has begun to trust in free markets.

Fundamentally, opponents to the North American Free-Trade Agreement fear America's future. They wish, somehow or another, to protect it. They do not believe we are competitive. They fall for the myth which has been proven false year after year, decade after decade, century after century, that the primary contributor to economic success in international trade is a low-wage structure.

If Mexico will gain tremendous competitive advantages as against the United States by a free-trade agreement, simply because it has a much lower wage scale than the United States, why, under those circumstances the immense, huge economic power in the world must be Bangladesh, perhaps the single nation in the world with the lowest wage scale of all. The difference between Mexico and Bangladesh is greater than the difference between the United States and Mexico.

To state that argument is to refute it. Of course Bangladesh and the rest of the Third World are not overwhelmingly and unfairly competitive with the United States or with Western Europe, that is because industrial wages are a modest portion of what creates a true competitive situation.

No, we must choose between the optimists and the pessimists, but that choice is not a choice which will be made upon the basis of pure faith without empirical evidence. The entire history of free economies in this world, from the beginning of the Industrial Revolution in Great Britain and most particularly since the end of World War II, has illustrated the truth that the freer trade is around the world, when that free trade is coupled with free markets, the greater the prosperity of all of the nations and of all of the people in those nations who are the beneficiaries of that free trade.

The opponents, the pessimists about NAFTA, fall into a fundamental trap. Somehow or another, it is their belief, against all the evidence, that international trade is a zero sum game; that every gain in prosperity for one nation or for one group must inevitably be matched by the povertization of the people on the other side of that trade but, of course, that is demonstrably untrue. We engage in trade because both parties benefit from it: the consumers, who are the purchasers; and the producers, who are the sellers. And in order to have a successful international trade regime, we must be both producers and purchasers.

We in the United States, of course, rank first in both. We are the greatest producers, we are the greatest exporters, we are the greatest importers, and we are the greatest consumers. And that, Mr. President, has meant for success in the growth of our own economy.

Of course, it goes without saying that the North American Free-Trade Agreement will benefit the people of Mexico. They will have a larger and more significant market than they have at the present time. But the citizens and industries of the United States will have a larger and more significant and growing market, as well.

If somehow or another this low Mexican wage structure gives them an unfair advantage, why is it that we have a $4 billion to $5 billion a year trade surplus with Mexico today?

The reason, of course, Mr. President, is that the Mexican administration, in freeing up its own economy and creating greater opportunities within Mexico, has also created a greater demand for American products. But in spite of that increase of free trade on the part of Mexico, its tariffs are three times as large, on average, as are those of the United States imposed on its goods. A free-trade agreement which removes all tariffs, therefore, by simple arithmetic is three times as great an advantage to American producers as it is to Mexican producers. And the best, soundest, and most accurate of our predictions will indicate that the trade surplus the United States has with Mexico will grow and not diminish if the North American Free-Trade Agreement is ratified.

Should this agreement be rejected, the ability of the United States to free up other markets throughout the world through the General Agreement on Tariffs and Trade will be greatly undercut. We cannot reject free competition with our immediate neighbor and demand that it be offered to us by France, or by the Pacific rim, or the countries of South Africa and Asia. The implications of this debate will be profound and will be tremendous, and the implications of a rejection will be found by a diminishment in the paycheck of almost every American.

Mr. President, one parochial note. My own State has been tremendously advantaged by liberalization of trade with Mexico. Exports from the State of Washington to Mexico have increased by 578 percent between 1987 and 1992; 4,200 jobs in my State in 1992 were supported by exports to Mexico, 80 percent

of which were created in the previous 5 years as a result of trade liberalization.

Agricultural products from wheat to apples; industrial products from computer software to transportation equipment to aircraft—all have benefited by trade liberalization with Mexico and increasing Mexican prosperity. Pressures of illegal immigration have been reduced and will be reduced even more.

As a consequence, it is astounding to find that of 11 members of a congressional delegation from the State of Washington, to this point only four, including the distinguished Speaker of the House of Representatives, formally have endorsed the North American Free-Trade Agreement. For the single State most dependent on international trade not to be leading the fight for the approval of NAFTA is a sad commentary on the congressional delegation from my State.

So, I present this challenge today to other Members of the Washington congressional delegation: Remember your history. Be enthusiastic about the skills of your people; look at the jobs which have already been created by freer trade. Come out of hiding and endorse—as has the leading liberal Democrat, Congressman WYDEN, of our State to the south—the North American Free-Trade Agreement, and help your own President and all of our living former Presidents increase the prosperity of the people of the United States and the people of the world by this significant additional step toward a world free-trade arrangement.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Alabama.

TRIBUTE TO THE FORMER CHAPLAIN OF THE SENATE, REV. DR. EDWARD L.R. ELSON

Mr. HEFLIN. Madam President, while the Congress was out of session for the recess last month, the Senate lost one of its most dear friends and supporters. Not only the Senate, but the Nation lost a faithful servant when our former Senate Chaplain, the Reverend Dr. Edward L.R. Elson, passed away on August 25 at the Presbyterian Home in Washington.

Dr. Elson was appointed Chaplain of the Senate in 1969, and served through 1981. He was the senior pastor of the National Presbyterian Church from 1946 until 1973. As pastor of that congregation, one of the largest in Washington, he was a counselor and spiritual mentor to many high Government officials, including Gen. Dwight D. Eisenhower, who attended services there while he was President. Dr. Elson baptized President Eisenhower and confirmed him as a member of the church in 1953, 10 days after he was inaugurated. Dr. Elson had been close to General Eisenhower during World War II as a chaplain in the Army.

Many of us in this body remember Dr. Edward Elson as a spiritual leader and a humanitarian of the highest caliber. It can honestly be said that he dedicated his life to serving others. His work was manifested in so many diverse and rich ways that the sheer number of people he reached and left an impact on throughout his life are difficult to fathom.

Dr. Elson was invaluable to the spiritual life of this body, his church, his denomination, and his Nation. It was during his pastorate at National Presbyterian Church that the church relocated from its downtown location in Washington at 18th and N Streets to a beautiful new $8.5 million facility on Nebraska Avenue near American University. During his pastorship, National enjoyed unprecedented growth in its membership. His church was the only proper site for his funeral, where hundreds of family, friends, and admirers gathered to pay their respects.

He was ordained by the Presbytery of Los Angeles in 1930 and was pastor of two southern California churches before World War II. He served for a time as moderator of the presbytery, the highest office of the Presbyterian Church.

During World War II, he was an Army chaplain, and was awarded a Legion of Merit and Bronze Star. Later, he was General Eisenhower's emissary to the German Protestant Church Consistory.

Dr. Elson was a prolific student of and frequent visitor to the Mideast, where he met with such leaders as President Nasser, of Egypt; King Hussein, of Jordan; David Ben-Gurion and Golda Meir, of Israel; and the Presidents of Lebanon, Syria, and Iraq. In 1959, he carried a personal message from President Eisenhower to the King of Saudi Arabia. He was a founder and former chairman of the national council and vice president of the board of American Friends of the Middle East. During the administration of President Lyndon Johnson, he served on a team of observers of the 1967 Vietnamese elections. He had also been a president of the Military Chaplains Association, the national chaplain of the Disabled American Veterans, and president of the Washington Federation of Churches.

A recipient of honorary doctoral degrees from 17 colleges and universities, Dr. Elson was born in Pennsylvania and graduated from Asbury College in Kentucky and the University of Southern California. He authored 11 books, including his 1986 autobiography, "Wide Was His Parish."

We could not choose a more fitting epitaph for Dr. Elson than the wonderful title he gave his autobiography—"Wide Was His Parish." His parish was as wide as any one person's could be, because it included all of humanity. He was truly the epitome of a humanitarian, and we are fortunate that God allowed him to stay with us for 86 years before calling him to rest.

I extend my sincere condolences on behalf of the Senate to Dr. Elson's wife of 55 years, Helen Chittick Elson, their four children, Dr. Eleanor Heginbotham, Dr. Beverly Elson Gray, Mary Faith Buchanan, and David Edward Elson, and their entire family.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Alabama for his statement. I surely associate myself with his remarks. I hope that more Senators will have an opportunity, people who knew Reverend Elson, to take time to reflect on his life and put something in the RECORD or speak in the Chamber about him. I thank the Senator, but beyond that say to him that I appreciate very much his leadership in our Wednesday morning Senate prayer breakfasts. He is our leader in that area at the current time, and so it is quite appropriate for the Senator from Alabama to make those comments.

I did not know Reverend Elson as Chaplain of the Senate because he resigned the very month that I was sworn in in the Senate, but Reverend Elson did come to our Wednesday morning meetings quite frequently. And in those meetings I still remember so many times he related the story the Senator from Alabama did about the baptism of President Eisenhower, and it was obviously a joy not only as part of his work but a personal joy for Reverend Elson to have performed that act. So I thank the Senator from Alabama.

Mr. HEFLIN. I thank the Senator from Iowa. He served, too, as chairman of the Senate prayer breakfast for 2 years and did an admirable job in that capacity.

Mr. GRASSLEY. I thank the Senator.

LIFTING OF THE VIETNAM EMBARGO

Mr. GRASSLEY. Mr. President, I rise to comment on some action taken just a day ago, I believe, by the administration, and it involves the question of the Vietnam embargo, which embargo has been on for a couple decades, or a decade and a half.

The administration's decision is to move closer toward lifting of the embargo. I do not know whether they would admit that, but that is the way I see it. I do not support this action, and I believe that it undermines whatever remaining leverage our Nation has for gaining the fullest possible accounting of our missing servicemen.

On July 2, the United States removed its opposition to third countries paying off Vietnam's arrears on its IMF loans. This action then clears the way for the World Bank to make loans to Vietnam.

Now, when we cleared the way in July for World Bank loans for Vietnam, the administration said then that a lifting of the embargo later would depend upon progress Vietnam showed in accounting for missing in action.

Our stated intention was to require progress for progress, a lifting of the embargo for more accounting. The fact is there has been no progress. Since July 2, the Vietnamese have not accounted for a single MIA. Yet, we have moved closer to lifting the embargo this week. It seems to me that this is a terribly puzzling and terribly ambiguous message that we are sending, not just to the Vietnamese but, most importantly, to the families of the MIA's.

Let us look at what was said on July 2 by President Clinton and then see if progress has been made. He said the following:

> Our policy toward Vietnam must be driven not by commercial interests but by the overriding purpose of achieving further progress towards the fullest possible accounting of our POW/MIA's.
>
> Progress to date is simply not sufficient to warrant any change in our trade embargo, or any further steps towards normalization.

President Clinton's comments made in July called for progress. We cannot argue with what he said. I would agree with that statement. I did not agree with lifting of the ability of the World Bank to make loans, but I still agree with his measurement.

President Clinton defined progress July 2 as "the fullest accounting of our POW/MIA's." Yet, since July 2 no MIA has been accounted for. So what is it that then justifies this additional step toward lifting the embargo? Is it unfair to interpret this as a gesture toward commercial interests in the United States, the exact opposite of what the President promised.

It appears now that there is a new definition of what progress entails—progress toward MIA accounting. Instead of full accounting, progress now means doing busy work.

Let me explain. Under the administration's July 2 performance measures for progress, fuller accounting was the overall goal, in clear, measurable terms. This goal has been a total failure since not one more accounting has occurred. Instead, this administration decided to switch its focus and its goal from accounting to some nebulous, nonperformance-type criteria designed to provide lots of wiggle room. For instance, concrete results—those are the words of the President—were required from the search for remains.

Now, this is a rather vague term. Anything can be considered progress when the term "concrete results" does not have to apply to an accounting. And so the results are predictable.

Let us look at what has happened. Twenty-two sets of remains were dug up by the Vietnamese and United States personnel and forwarded to the central ID lab in Hawaii for examination. Not one of these sets of remains has been determined to belong to a missing American serviceman. But that is OK because the goal is no longer full accounting. It is some amorphous, nebulous progress. And, of course, it ends up being busy work like something is being accomplished.

Another example. More cooperation from Laos was required because Laos has been notoriously resistant to providing us any data on the MIA's. Nothing changed in that regard since July, but we wanted to show some progress was being made and so a trilateral meeting was called. Now, presto, there is progress on the issue of Laos cooperation—no additional accounting of MIA's, just a meeting, just busy work.

I hope that this administration is not so blind about performance goals when it presents its initiatives to reinvent Government. Reinventing Government requires measurable performance goals and pay for performance. That is how we improve the way Government works.

Are we going to make an exception to that rule for the Vietnamese? And what does this say about the administration's credibility either with reinventing Government programs or with the families of MIA's? Madam President, it is clear that the administration's rationale for yesterday's action is irrational. No progress has been made toward a full account. It is time that we demand a quid pro quo from the Vietnamese. We need answers.

Before I yield the floor, do I still have some time left?

The PRESIDING OFFICER. The Senator retains 1 minute, 20 seconds.

Mr. GRASSLEY. Let me say this, because there may be people listening who wonder what difference does it make, MIA's, POW's, 20 years after the war? It has something to do with credibility about Government.

Our Government tells people who joined the military or are drafted or who have been drafted, because we do not have the draft, "Ye shall not be forgotten nor forsaken, assuming capture. Every effort will be made to get you out." That is a standard that has been set.

There is also another standard that has been set. Presidents, four or five, Republican and Democrats, have said "This is our Nation's highest priority." Well, as I look back over 20 years of our efforts of trying to get POW/MIA accounting and to get people home or get remains home, I do not think our Government's performance has been commensurate with our rhetoric.

As long as that is our rhetoric and as long as that is our policy, this Senator expects our Government to live up to it or change the policy.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

HEALTH CARE LEGISLATION

Mr. BOND. Madam President, today Senator CHAFEE, I, and a number of our colleagues on this side of the aisle announced the health care plan that we have been working on for about 3 years, which we hope will be a productive and positive contribution to the debate on health care.

I would ask all of my colleagues to take a look at it, because I believe it is a mainstream proposal designed to appeal to a broad cross section of American people, and the Members of this body, of both parties, and of the other body, who believe that we have high quality of health care but we have problems with the cost, with equal availability, and we can best get those costs under control if we rely primarily on competition rather than Government regulation and mandates to bring costs down.

During the 3 years we have been meeting with Senator CHAFEE's task force, we found almost the first 6 months taken up just trying to figure out the definition of the questions, because this is extremely complex. We went back to our States. We talked to patients. We talked to consumers of health care who had all kinds of problems with the system.

We talked with people who are analysts, people who are in the system, who are providers, those who are paying. We tried out a wide range of ideas. From this came the clear understanding first, as I said, that like all health care we first should do no harm.

Our system is the greatest place in the world to be if you are really sick. We do high-technology health care better than anybody else. We want to keep that technological advantage, keep the high quality.

On the other hand, the proposals as we understand them coming in from the administration, go beyond that and want to remake the system and put Government in control in too many areas.

The basic principles which led to the development of our plan were, No. 1, maintaining quality of care; No. 2, assuring every American citizen the security of knowing that they would have health care coverage, and that they would have a choice of who provides that health care; No. 3, the growth of health care costs must be constrained by reforms, but primarily through competition.

With that, what is our approach? First, one of the great problems that we see is that our system is very expensive; 14 percent of our gross domestic product goes to health care, some 12 million people. It is a very, very expensive system for the people who are paying the health insurance premiums, and for our Federal budget deficit. We

have got to contain the growth of costs; probably cannot cut them, but at least slow the growth.

Yet, despite the fact that we spend this much on health care coverage, every American family has a fear that they are going to lose their coverage. They may be left without insurance coverage, without a health care plan. I have talked to too many people in my State who had the tragedy as parents of having a child born with birth defects, a very expensive illness which has eaten up their insurance, and in several instances forced them into bankruptcy because they could not pay the costs for giving the child the kind of care they wanted to.

Others have been locked into their jobs because somebody in the family is sick and they know that if they tried to move from one job to another, they would probably run into that catch-22 of preexisting condition: You cannot buy a new insurance policy that will cover a disease that you already have or a sickness or an illness that you already have.

I think that we have to change that system. Our system begins with insurance market reform. Everyone has to be covered. You cannot exclude people for preexisting conditions. You cannot jack up the premiums if somebody gets sick.

A friend of mine had a 700-percent increase in his insurance premium after he successfully recovered from cancer, through cancer treatments. They decided they would really stick it to him. They jacked it up.

This is happening to people all over the country. We cannot do that any longer. We cannot allow insurance companies to offer the lowest premiums to healthy populations and then cutting off the insurance or jacking up the premiums when they get sick.

We also need to make sure that people can move from job to job, so they do not lose their health coverage if they go to another job. That is called portability. In essence we are saying to insurance companies or health plans that you have to compete on price, and quality, and service. You cannot compete on risk avoidance. Insurance should be spreading the risk, not avoiding the risk.

The second thing is containing the cost. We believe that the right kind of competitive framework will keep costs down and keep quality high. We have seen that in example after example around the country, where there have been purchasing cooperatives or purchasing reforms.

In California and Florida, they are trying that. We are going to learn more. I believe that there is a tremendous hope for bringing down costs by giving people the power to purchase through cooperatives that they control and which they can choose, so that the system is voluntary, so that the cooperatives have to compete to offer the best range of health plans at the best costs.

I think we need to move to administrative reforms. I talked before on this floor many times about moving to electronic filing, to allow the consumer to hand in what you would call an ATM card like you do at a bank and have the insurance computed by the computer based on that card information. Electronic transfer of funds can save tens of billions of dollars, provide a consumer coverage if that consumer is away from home and gets sick, and get the health care information. It also helps us identify fraud and abuse, and ultimately identifies what kinds of health treatments work best.

Finally, we believe the best way to ensure the access to this is to provide equity in tax treatment.

Right now, if you are an executive for a large corporation and you have a gold-plated plan, and it pays the first dollar of health insurance, you are not taxed on it no matter what the premiums are. But if you are a farmer, rancher, or are self-employed, you can only deduct 25 percent. If you happen to work for a business that does not provide health care, you have 100 percent after-tax dollars just by bringing equity to the code, by saying that an employer cannot deduct, and an employee cannot exclude, the value of premiums beyond the standard benefit plan, we can make full deductibility available to every person who purchases health care.

I think that is extremely important, because that will put a tremendous number of people back into health coverage. For those people who do not have coverage, and who are below the poverty level, and do not get Medicaid, we begin with a voucher system to give them the full cost of the health care plan and let them choose the plan they want to enroll in. We do that by savings on Government spending on health care, putting caps on the growth of health care costs, and phasing out subsidies that are now caused because there is uncompensated care. We believe that we can generate the savings of roughly $200 billion by the end of this century, which will allow the vouchers to provide 100 percent vouchers to those up to 100 percent of poverty and on a declining level up to 240 percent of poverty—roughly $34,000, as it now stands.

This is the way we would achieve universal coverage. We would do it, I think, in a way we call pay-as-you-save. I think that will enable us to phase in the program and expand the benefits in a responsible manner. We do not accept, and will not go for, employer mandates. An employer who cannot afford to provide health care now, if required to provide health care, will logically throw the person out of work, shut down the business, or at least reduce employment. Then you have a double problem—more people unemployed, and they do not have employer-provided health coverage. Once the system is fully phased in, the individual will have the choice, the opportunity, and responsibility to get health care.

This body, at the request of Senator BUMPERS, adopted an amendment putting the responsibility on the individual or recipient of AFDC for getting their child immunized, and I believe that emphasizing individual responsibility is extremely important.

Madam President, we would also work with the States, allowing maximum flexibility. As a former Governor, I know many things can be tried out in the States; some work and some do not. But by giving States flexibility, we will allow them to make improvements on the system and do what we think is a necessary experimentation with the system.

Finally, we reject the approach, which has been suggested, of going for either price controls, global budgets, or caps. We do not believe the Federal Government can expect a system of competition to work when they are imposing price limits.

When you have limits or controls, people wind up gaming the system, and that is not going to work. We believe that competition can work. If you have price controls, everybody is going to game the system to try to get up to those price controls. If the central government, where the experts in determining how every dollar should be spent in the economy are—if the central government could be perfect in its planning, then the Soviet Union would be the economic powerhouse of the world today. When we have tried price controls, they have not worked; they interfere with competition.

Madam President, in closing, our plan guarantees universal health care. It relies on competition; it protects Americans' rights to choose their doctor; it guarantees they will have the security of a basic benefit plan; it prevents against skyrocketing rates, and realizes that Government cannot solve all of the problems.

I invite my colleagues to join with us in a constructive discussion. We think America is ready for health care reform, and we want to work with our colleagues on both sides of the aisle in developing a workable, effective health care reform that will achieve these goals.

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, after several years of listening and meeting with people in Washington State, I am convinced there are certain fundamental goals which are essential to the successful national reform of our

health care system: security, quality, universal coverage, choice, cost restraints, individual responsibility, paperwork reduction and malpractice reform. For the 85 percent of Americans who have insurance, our system offers the best health care in the world. Any system of reform that jeopardizes this quality of care is unacceptable. The American people will not accept a plan under which they pay more for a lower quality of service. In addition, everyone must have access to affordable health insurance coverage so that all Americans are protected. Reform must slow the rate of growth in both private and Government health costs, but at the same time, Americans should be able to choose from a variety of health insurance plans and providers.

Most importantly, those States, like Washington, which have moved forward with comprehensive health care reform already, change at the national level must not be punished with additional taxes, regulatory duplication, and burdensome mandates.

For almost 3 years, I have worked with the Senate Republican Health Care Task Force to develop a plan which includes the goals I have outlined. The Health Equity and Access Reform Today announced this morning is the result. It is similar in many ways to the President's plan anticipated on September 22, and we are ready to work with the President in attaining those goals.

Both plans rest in part on concepts of managed competition pursuant to which States will establish health care purchasing cooperatives within which employers and individuals will purchase health insurance from competing insurers. The Republican plans will cause insurers to compete on the basis of their ability to provide cost effective quality health care at least at the level of a federally qualified uniform benefit package. Both the Clinton and Senate Republican proposals include insurance reform that will allow individuals to move from job to job without fear of losing health insurance. In addition, insurers will not be allowed to exclude individuals from coverage based on health status. So both plans will reorient competition from risk selection to the efficient provision of quality health care. Finally, both plans include proposals to reduce paperwork and to streamline the billing process through electronic billing and simplification.

As you can see, even before all details are available, there is a remarkable consensus among Republicans, Democrats, and the administration on some of the most important issues involved in this complex topic. While both proposals may be far from perfect and represent only starting points in the discussion, both are serious attempts to improve access and control costs while emphasizing preventive care.

A few fundamental differences exist, however, between the President's approach and the Senate Republican approach. Simply put, the Senate Republican approach is a purer form of managed competition relying on market incentives to improve health care, while the President's vision of managed competition includes additional, and significant Government participation and control.

First, the President's plan includes an employer mandate to pay for the health insurance of its employees. If there is one message I keep hearing over and over again, it is that we cannot trade jobs for health care. In our current economic condition, we cannot squelch economic growth by mandating additional labor costs on the sector in the economy most responsible for creating jobs: small business. The nonpartisan Partnership on Health Care and Employment estimates that an employer mandate in Washington State alone would lead to the loss of 168,000 jobs.

The Republican plan proposes to implement universal coverage, over time, through an individual mandate which the President's plan also requires. Employers will continue to have significant incentives to finance health insurance for their employees, but will not be threatened with going out of business under a Government mandate.

Second, the President's plan relies on price controls in the form of premium setting and caps: both proven to be ineffective and coercive forms of Government intervention. Top-down price controls set in Washington, DC, have been a dismal failure because they fail to recognize the fundamental fact that costs are not just a function of price, but of volume. The last time such controls such as premiums caps were attempted was in 1971 when President Nixon ordered temporary 90-day controls to fight inflation. Three years later, the restraints were lifted after having had little, if any, meaningful effect on inflation, but after having stifled innovation and making goods more scarce. Bureaucratic calculations and enforcement will have only one result: rationing, lower quality, and fewer choices in our health care decisions for our families. Price controls are simply antithetical to a market-based system, which has proven over time to be the only method effectively to restrain rising costs.

The financing for coverage for the uninsured for the President's plan and the Senate Republican plan are likely to differ as well. We believe that reductions and restructuring of Federal spending should be made, the savings from which should be used immediately to finance coverage for those most in need.

The Republican proposal recognizes the special health care needs of rural communities where cooperation, rather than competition, is imperative to provide cost-effective care. We propose antitrust reform that will allow rural hospitals and doctors to share expensive equipment rather than forcing them to look over their shoulders for a Justice Department official. We recognize the main obstacle to health care in rural areas to be transportation. In addition, there must be greater incentives for medical school graduates as well as practicing physicians to practice in rural areas. Finally, we recognize that the health care needs of our rural and urban areas are distinct. A proposal for Seattle cannot be assumed to meet the needs of Goldendale. We must allow States to have the flexibility to design purchasing cooperatives that are appropriate for their diverse health care needs.

The Senate Republican plan also differs from the President's plan in the authority and functioning of the purchasing cooperatives and the competing health plans. In order for market forces to keep costs down and serve the consumer of health care, the purchasing cooperatives should not be regulatory agencies operated by bureaucrats—but true cooperatives that reach balanced agreements between the purchasers and providers of health care services.

Antitrust reform, professional guidelines, mandated benefits, and cost controls will be meaningless unless physicians are able to function in an atmosphere free of frivolous and costly lawsuits. The current system neither serves the medical profession nor those who are victims with legitimate claims. From 1960 to 1984, medical liability awards increased an incredible 1000 percent. A 1988 study found that the average doctor had a 37-percent chance of being sued; 52 percent for a surgeon; and 78 percent for an obstetrician. According to the AMA, defensive medicine fueled by malpractice fears added more than $15 billion to our national health care costs in 1989.

The malpractice reform component of the Senate Republican plan calls for mandatory, nonbinding alternative dispute resolution. If one of the parties wishes to challenge the result of the ADR, he or she may do so; however, if the decision results in a lesser award, the party bringing the claim must pay all legal fees. In addition, the plan includes a cap on noneconomic damages at $250,000, periodic payments for awards exceeding $100,000, and contributions of proceeds from punitive damages to a State health office rather than a law firm. In addition, attorney's fees are limited to 20 percent of the award and the statute of limitations for malpractice actions is shortened considerably.

In contrast, the Clinton plan does not even include caps on awards for pain and suffering and limits attorneys fees to 33 percent. I hope that while restraining the insatiable appetites of

trial attorneys, we can provide a system where legitimate claims are expedited and where defensive medicine becomes nearly obsolete. The American Trial Lawyers Association has vowed to fight such a proposal.

Among my highest priorities for those in Washington State is ensuring that Washington State is not punished for moving forward with health care reform. The health equity and access reform today plan is far less burdensome to Washington State than the two leading alternatives—the President's plan and the single-payor option.

Although the Governor of Washington received assurances from the administration that President Clinton's plan would be compatible, it is clear that the President's plan already clashes with our State plan. While in Washington State employers are required to pay at least 50 percent of the lowest cost plan in the area to their employees, the President's plan would require at least an 80-percent contribution equal to the average cost plan in the area.

In addition, under the President's plan, the national board, not Washington State, would determine the cost of the standard benefit package, would set an annual budget for each purchasing alliance, and determine the per capital premium of that alliance.

Supporters of the single-payor system correctly proclaim that it will reduce administrative costs through uniform and simplified billing practices. Those cost savings, however, will be absorbed by the six separate oversight commissions each State would be required to implement in order to carry out the bureaucratic dictates of the national commission in Washington DC. In both the Clinton plan and the Senate Republican plan, administrative costs will also be reduced through electronic billing, claims processing, and uniform paperwork requirements.

Worst of all, the single-payor proposal would punish Washington State with enormous additional taxes to finance health care reform. According to its proponents, the single-payor proposal in the Senate and sponsored by JIM MCDERMOTT in the House of Representatives would require that a health security premium equal to 7.5 percent of incomes taxes paid by each taxpayer. The top corporate income tax rate for corporations whose annual income exceeds $75,000 is increased 34 to 38 percent. The minimum corporate tax rate is increased as well from 20 to 25 percent. The individual income tax rates are increased to 31, 34, and 38 percent for families with incomes over $200,000. The minimum tax rate for individuals is increased from 24 to 28 percent. Millionaires will pay a 10-percent surtax. For the elderly, the portion of Social Security benefits subject to taxation in increased to 85 percent and all individuals 65 years of age or older shall pay a monthly fee of $65 for long-term care. Finally, 5-percent withholding tax is set on interest paid to foreigners.

Not only would the single-payor proposal include the largest tax hike on the middle class in American history, many of those tax increases were already narrowly passed in each chamber of Congress last month during consideration of the President's tax package.

Finally, claims of cost savings face the hard reality that Canada, the single-payor model nation, is facing inflationary health care costs at the same rate as the United States.

The HEART plan, on the other hand, allows States to design health care systems that meet their unique needs. The National Benefits Commission is limited in its authority and would be likely to establish a uniform benefits package quite similar to what the Health Care Commission anticipates. The individual mandate in the State plan is consistent with the Senate Republican proposal which also assumes that it is the right and responsibility of the individual to choose among reasonably priced insurance plans. The insurance reform provisions in the HEART plan are similar to the Washington State plan which eliminate risk selection by health status and breaks job-lock by allowing individuals to go from job to job without losing coverage. Both plans require similar information to be provided to consumers in order for them to make the most cost-conscious health care decision.

Compared to the conflict in the employer mandates and price controls in the President's proposal and the multiple layers of taxation and oversight required by the single-payor plan, the HEART plan is by far the least burdensome on the people of Washington State. As these plans are debated and altered in Congress, we from my State must remain vigilant that Washington State is not punished and required to pay twice for health care reform.

We all must also recognize that in many parts of the country, health care reform is already occurring in both the public and private sector, and the Government simply needs to get out of the way. While we consider the comprehensive reform which could have enormous impacts on one-seventh of the Nation's economy, we must resist throwing the baby out with the bathwater.

We can do so by asking ourselves four basic questions:

First, if my State has already begun health care reform, will I be required to pay twice for national health care reform?

Second, will my health insurance costs and coverage for me and my family actually improve or will I pay more for less?

Third, will this health care plan cost jobs and economic opportunities for my family and community?

Fourth, will this health care plan significantly expand Government involvement with health care decisions for my family?

By keeping these questions in mind, we can ensure, as we must, that the patient will come first. For if we lose sight of the fact that health care is an intensely personal and private matter to Americans, we risk damaging a system that attracts people around the world for its quality and service. While we must move forward with the President to improve what is lacking in our health care system, let us be careful to follow our own Hippocratic Oath and do no harm. We can only do so if we listen to those who must come first—the patients.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, the distinguished Senator from Connecticut, I understand, is trying to catch a plane. I am not attempting to catch a plane this afternoon. So I am going to sit down and perhaps he might be recognized.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Thank you, Madam President, and I thank my colleague from Arkansas for, once again, his graciousness and thoughtfulness, and I will try to be brief here so that my colleague can get about the business of talking about a subject at hand. I am not sure I necessarily want to be here for the subject anyway when he gets to it. But with all seriousness, I appreciate his generosity.

FACES OF THE HEALTH CARE CRISIS

Mr. DODD. Madam President, I come to the floor today to explain our health care crisis through the eyes of a child.

I want to begin by commending our colleague from Michigan, Senator RIEGLE, who last year decided that it would be worthwhile to begin a discussion of health care by trying to put real faces on the debate. He has talked about individual people and families.

Too often, when we debate and discuss these issues, we get lost in the numbers, the details, the percentages and the terminologies. We neglect to talk about this in human terms, what actual families go through, and what it means to them on a daily basis to be faced with a crisis of a health care emergency.

So, I, today, am going to take a couple minutes to talk about children. I will talk of a particular child in a particular family in my State. My purpose, today, is not to endorse a particular aspect of what may come before us next week, but to try and make people aware of what average families, hard-working, good people are going through every single day in this country.

Madam President, as I mentioned, I come to the floor today to explain the

health care crisis through the eyes of a child. In all of our discussion of macroeconomic trends and microeconomic behavior, of health maintenance organizations and preferred provider networks, of preexisting conditions and employer mandates, I fear that we may lose sight of what should be a central focus of the health care debate—our Nation's children. And we may forget that each child without insurance has a face.

For I suggest, Madam President, that it is a scandal that right now in this country there are 12 million children without the protection of health insurance. It is a scandal that 1 in 10 Americans under 18 are not covered. It is a scandal that 36 percent of the uninsured are children, a group that makes up only 29 percent of our population.

We have allowed this problem to go on—indeed, to grow worse year by year—despite the fact that our health care system is the finest in the world in terms of technology and effectiveness. Those fortunate enough to have health insurance by and large receive excellent care in the United States of America, while those without coverage are left to fend for themselves and often go without treatment that they desperately need.

And unfortunately, those without coverage are increasingly children, some of the most defenseless of our society. They may not understand the complexities of our health care delivery system or the economic reasons that they do not have coverage. But what they do understand is the pain of an illness left untreated and the slow withering of dreams left unfulfilled. They also understand the looks of anxiety and helplessness on their parents' faces as medical bills mount and hopes of paying them dwindle.

Today I want to talk about one such child, to put her face on the health care debate. I want to talk about Nicole Ianuzzi and her family. In 1991, Nicholas Ianuzzi, Nicole's father, decided to switch insurance companies after his original insurer was sold. He is a self-employed businessman. His insurance policy covered himself and Nicole. His wife was insured through her part-time job at a supermarket, but her policy covered herself only.

In May 1991, Nicole went to the doctor, like most children do on a periodic basis. She was 7 years old at the time. Her doctor thought she had scoliosis, a back condition, and sent her to Newington Children's Hospital. There, doctors suspected that she might have a spinal cord tumor. She was sent to Yale-New Haven Hospital, where the tumor was, unfortunately, positively diagnosed.

Secure in the belief that Nicole was covered under her father's new policy, the family did what any parents would do in such a situation: They saw to it that Nicole received the treatment she needed. Nicole required several surgeries to remove the tumor and to treat related problems.

Fortunately, Nicole's treatment was successful and her prognosis is good. The shock came when the family learned that her father's new insurer refused to pay her hospital and related medical bills. Nicole, the company said, had a preexisting condition that was not covered.

Treatment of Nicole's condition has exacted a staggering financial and psychological toll on the family. Nicole's medical bills have totaled close to $200,000. The Ianuzzi's have been forced to appeal to the public to help with their costs. The Knights of Columbus have raised money to help buy Nicole a wheel chair. Others in the community have been generous, as well.

And for that, I am very proud to represent a State where people step forward to help out.

But for this family to be placed in a situation where they end up almost a quarter of a million dollars in debt because of a preexisting condition is exactly the kind of problem that literally thousands upon thousands of people face in this country every day.

While Nicole is thankfully recovering from her illness, she and her family live with a great deal of uncertainty about the future. Because of Nicole's illness, the Ianuzzis now cannot obtain affordable insurance for Nicole, not even to cover a routine exam for the child. The best they can buy is a policy that costs $937 per month. And this policy—as incredibly expensive as it is—will not cover any problems related to Nicole's back.

Almost $1,000 a month, and this child cannot get coverage for her back. With the mother holding down her job in a supermarket and the father a self-employed businessman to make ends meet, the family is not atypical. They are not the exception. The Ianuzzi family exists in every community across America.

And that is why it is so critically important that we have a national health care policy that will no longer allow for preexisting conditions that deny families the needed coverage they ought to have.

Madam President, the Ianuzzi's story provides further evidence of the need for comprehensive health care reform. We need to assure families and children in this country that their access to health care and health care coverage is secure. We need to assure Americans that they can switch jobs, switch health plans, and get sick without losing coverage and without huge financial risks. But more than anything else, Madam President, we need to care for the Nicoles of this country.

I have spoken at length about Nicole and the need to assure health care coverage for our Nation's youth. The President's health care reform promises to provide this assurance, and I look forward to working with the administration and my colleagues to see if we cannot put together a comprehensive health care reform package.

As chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I plan to be a voice for children during this process. Children may not hire high-powered lobbyists or organize letter-writing campaigns. But their needs must be met, and we will have failed as their representatives if we fashion a health plan that neglects them.

I firmly believe that expanded coverage must focus on children's special needs, particularly in the area of prevention. This country's high child and infant mortality rates and low rates of immunization are chilling evidence of this need. As a first step, I have introduced child health legislation that focuses on the special needs of children and pregnant women. I plan to continue my efforts to ensure that health care reform does not overlook these, the most vulnerable of our citizens.

Let me point out every briefly that we rank 22d in the world in our infant mortality rate and 21st in the world in our child mortality rate.

Imagine that: The United States of America, the most potent economy on the globe, and yet we rank 22d—21 other nations do a far better job at infant mortality rates than the United States of America, and 21 other nations do better in child mortality rates.

In our country, if nothing else, that is a source that ought to be a collective embarrassment, regardless of where you come out on the health care debate. We like to think of ourselves as No. 1 in a lot of areas. To think we are 21st and 22d in these areas should be a source of collective shame.

In closing, I want to thank my colleague from Michigan, Senator RIEGLE, for coming to the floor nearly each week during the past year to share stories of the impact of the health care crisis on real people. He has reminded us time and time again of the tremendous stakes involved in the debate over health care reform. The decisions we make here in this Chamber will affect real people in a very real way, and each of them has a human face like Nicole.

We will have plenty of time to debate whether or not to agree with a particular plan or a particular point on a particular proposal. I think all of us, regardless of our positions, ought to be doing everything we possibly can so that another hour or another day does not go by in which the Nicole Ianuzzis and their families suffer the consequences of preexisting conditions clauses, and the staggering costs when reimbursement is denied.

Madam President, I yield the floor and I thank my colleague from Arkansas.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I ask unanimous consent I may proceed as in morning business for a time up to 20 minutes. I do not think I will use that amount of time.

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

Mr. PRYOR. Madam President, I want to congratulate my friend from Connecticut. We saw today a prime example of not only the wisdom and commitment of the Senator from Connecticut to health care reform, but his compassion and his ability to put a human face on it, given what are sometimes too many statistics with which we discuss it. It was a pleasure and real privilege for me to have the opportunity to hear his address to the Senate this afternoon.

PRESCRIPTION DRUG PRICES

Mr. PRYOR. Madam President, today I am going to address an issue that has been of vital concern to me and especially to millions of older Americans, the cost of their prescription medicines. I may sound like an old broken record on this subject, but I think some things need to be said this afternoon. I think some warning shots need to be fired.

It seems over the past several months, the pharmaceutical industry has been attempting to convince those of us inside and outside the beltway that they have finally learned their lesson. They are trying to convince us that the days of price hikes for prescription medications that are two and three times the increase in the inflation rate are now over, that this is something in history, that it is a thing of the past. The drug companies are now trying to tell us they have seen the error of their ways and they are themselves voluntarily putting the brakes on the increases in the cost of prescription medicines.

I am here to tell the Senate that this simply does not appear to be the case. For most older Americans, the crisis is not over. It is here. It is real. And it continues on every day.

I know the drug industry is trying. But what they are trying to do is something else. They are trying to convince us, through a multimillion dollar advertising campaign that they are able to voluntarily control inflation in prescription medicines all by themselves.

Let us take a look at some of those advertisements they have been running over the last several weeks, and then let us look at some of the charts, if we may. I am going to point out some inconsistencies in what the pharmaceutical manufacturers are saying and what has become the reality of today's pricing.

Here we have this ad. This appeared in many of the Nation's newspapers, such as the Washington Post and many other papers across America. The ad says "Can't somebody please do something about drug prices going up?" And then here comes the PMA, the Pharmaceutical Manufacturers Association. They say, "We have. We have proposed a program under which the companies can agree to voluntarily limit average price increases to no more than the cost of inflation."

It goes on and on with a little more of their propaganda.

This ad has now been replaced by this particular advertisement by, once again, the pharmaceutical manufacturers. Here is a nice looking lady, could be a young grandmother as a matter of fact. She is asking, "Why should I have to choose between buying groceries and buying medicine?"

The truth is, for years, she has had to choose between buying medicine or buying groceries. That is because drug prices have gone up three times the rate of inflation for individuals this age. She can no longer afford to pay for the cost of the prescription drugs that her doctor has prescribed for her to take.

Now we have another advertisement that has been running across the Nation. This is, once again, the elaborate, expensive propaganda campaign staged by one of the most profitable industries certainly in this country, and perhaps in the world—and that is the pharmaceutical manufacturers. Here they are coming forward and saying, "For the 12 months ended April 1993, the CPI for prescription drugs increased only 3.2 percent, exactly equal to the general inflation rate."

This assertion needs to be challenged. This afternoon I stand on the floor of the U.S. Senate to challenge that assertion and to say that the drug companies are continuing to increase drug prices—at two and three times the rate of inflation. We are getting ready to see that those "voluntary price restraints," those voluntary initiatives, might be commendable, but they are not working. Let's look at the facts

Over the past 3 months, from June through August, general inflation was 0.4 percent. Prescription drug prices increased almost four times this amount to 1.5 percent in just 3 months. This is at the same time when the pharmaceutical industry is saying, "Let us voluntarily control our drug prices. Do not put price controls on us. We are going to voluntarily, within our own industry, take care of this problem."

Second, data from the first half of 1993 indicate that many, many popular prescription drugs taken by older Americans have now increased two and three times the cost of inflation. Let us just look at this chart. I have here some 90 drugs that are now on the market made by many different drug companies.

By the way, we want to commend some of them because some of them have worked to find new prescription remedies. We have wonderful research in this country. The problem is they are abusing the system and charging the American consumer more than any other consumer, more than any other nation in the world. We are subsidizing the rest of the world for the very same prescription medicine.

Here is Cardizem; used for hypertension. That is a heart drug. The inflation rate is roughly at 3 percent and the cost of Cardizem has already increased 8.2 percent this year—over 8-percent increase this year.

Lopressor, we see a 6.7-percent increase, just through January and June of 1993.

We see another drug Maxitrol. It has gone up 7.6 percent in the first 6 months of this year.

We see a drug for arthritis—once again, many of our elderly citizens take this particular drug manufactured by 3M—Norgesic. For 100 tablets, a 7-percent increase already this year in the first 6 months of 1993.

Pilocar—this is for glaucoma. Once again, a drug taken by many, many of our elderly citizens. It has gone up 8.2 percent already this year.

I could go on and on, all of these 90-some-odd drugs. I ask unanimous consent this be printed in the RECORD.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. To date, just 17 of the hundreds of brand name drug manufacturers have said they are going to limit voluntarily their drug price increases. I must say this is a start. This is something I do not really think they have ever said before. Frankly, I do not think they would have ever said it had we not had a President and his wife, President and Mrs. Clinton, who are getting serious about health care reform. This has forced the drug manufacturers to finally plead to not have any controls placed on it. They say they are going to try to police their own industry.

Most of these manufacturers, however, have only agreed to limit their average price increase—that is a very interesting term; their average price increase—to the rate of inflation. Limiting the increase of their average price is relatively meaningless to the average citizen because no one pays an average price. We pay real prices. And many real prices are continuing to escalate beyond our wildest imagination.

Madam President, today I come to the floor of the U.S. Senate to give the drug industry a real chance to see if they are serious in voluntarily restraining their prices. I really want to see if the drug industry of America is willing, in public, to put its money where its mouth is. I am going to offer the drug companies a deal this afternoon. It is not going to be some deal in

some smoke-filled room. It is not going to be some deal cooked up by some advertising firm with a lot of slick advertising and a multi-million-dollar budget to back it up.

This deal is going to be made in the clear sunshine. It is going to be made between those drug companies that are promising to voluntarily limit their drug prices to the cost of inflation. I am going to mail tomorrow, Madam President, to each of the drug manufacturers this proposed commitment. This is a commitment by the individual drug firms to the Secretary of Health and Human Services, Dr. Donna Shalala. We have prepared and worked on this commitment for a number of weeks, and we have had it approved and worked on by the Senate legal counsel. We are very indebted that they have helped us prepare this document. Each of the drug manufacturers in America will be mailed a copy of this commitment tomorrow to sign and return.

In the coming weeks, we are going to keep a scorecard, and from time to time we are going to come to the Senate and we are going to talk about these 30 or 40 drug companies—Abbott Labs, Berlex, Bristol-Myers, Du Pont Merck, Glaxo, Hoffman-LaRoche, and on and on.

We have two or three charts with their names. We are going to give a scorecard report to our colleagues in the Senate as to when and if they accept this offer. They have said that they are going to voluntarily restrain their prices. Now let us see if they are serious. We are going to come to the floor and say we had a commitment signed by Parke-Davis or Pfizer, Bristol-Myers, with the date signed, or the date rejected and the reason given for the action taken by the manufacturer.

Hopefully, we are going to find if all of these drug companies, who are members of the Pharmaceutical Manufacturers Association, will either, if I may say it this way, put up or shut up. We are going to see if they are interested in carrying out their commitment in their propaganda campaign and putting that commitment in writing.

Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 5 minutes, 35 seconds.

Mr. PRYOR. Madam President, I also call my colleagues' attention to encourage the drug companies to sign these contracts. I think it is time. I think as the President goes before a joint session of Congress next week, it is time that all of us not only encourage the drug companies, but encourage all of the providers in our health care chain that we have to do a better job. We have to do a better job in cost containment. We think this is a proper approach and a first step in cost containment.

Madam President, I can only say, without any reservation whatsoever, that the elderly citizen, the young citizen that Chris DODD was talking about, the young child, families all across America—as we begin this health care debate, that this is one of those areas that we can and we must do something about.

During the month of August, the President basically took the drug companies at their word. He said, "Maybe the drug companies can voluntarily control their prices." Maybe they will. Maybe we do not need to have a Federal program saying how much they can charge for their drugs.

On September 3, when all the reports came out, the headline in the Washington Post business section said: "Health and Drug Stocks Up on Price Control News."

What happened when the President said we are going to try not putting any price controls on drugs? All their stocks went up.

About that same time, on August 19, right after the President had made the statement that we are going to try not to put any price controls on the pharmaceutical companies, look what the story is: "Drugs Stocks Boost Dow to a Record High."

What the drug companies really want is very simple. You are going to see them out here in the Halls. You are going to see them before the labor committee and the Finance Committee, and you are going to see them lobbying for at least one part of the Clinton health reform package.

The part of that package that they are going to be lobbying for is trying to get the Congress to enact legislation to include coverage for the 37 million Americans who today are not included. The drug companies want every citizen of America to have drug coverage. What they do not want to have is any controls on what they can charge those individuals—and all of us—for the drugs that they sell.

Madam President, I hope that we do not have to have price controls. I do not like price controls. But I think the point that I am attempting to make is that the voluntary restraints that the drug companies have promised that they were going to live by, those restraints, in my opinion, have yet to be made in a meaningful way.

Even this morning in the Washington Post, there is an editorial. I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Washington Post, Aug. 15, 1993]

THE SKY IS NOT FALLING

In the fight over tax reform in 1986, the aggrieved interest groups all sounded the same. The sky was falling; the bill would be a disaster; their very existence would be threatened were the bill to pass. Then the bill did pass, the sky didn't fall—and the threatened groups survived.

Now the same thing is happening with health care reform, an even more comprehensive undertaking. A book-length draft of the president's plan has become available, and the Chickens Little are all over it. Their warnings are much too dire for this early in the game. Many seem driven at least as much by lobbying reflex as by careful thought. The drug industry warns, as ever, that there could be an end to research if what it regards as price controls are imposed—even though the plan would also expand the industry's market by subsidizing prescription drug purchases by the elderly. The trial lawyers warn that there could be an end to the representation of malpractice plaintiffs if the plan limits the lawyers' share of awards—even though they could still take a third.

The insurance industry says that the plan would discourage investment in health maintenance organizations because it woud limit premiums—even though it would also greatly increase the business of HMOs by likely driving a larger share of the population to use them. People who profess to speak for small business say the mandate that all employers help provide health insurance for all their employees would cripple the small-business sector and its ability to act as an incubator of jobs—even though small businesses would be heavily subsidized, and many would come out of the plan as winners. Doctors say cost constraints might discourage them from ordering needed tests; hospitals say they aren't sure they could cover their costs. And so it goes.

Health care costs now threaten to eat the economy. They represent a seventh of all the dollars Americans spend—and of all the costs they incur. If present trends are allowed to continue, the fraction is headed toward a fifth. Everyone wants the increase curbed—but at someone else's expense. The president would impose progressively tighter controls not so much on particular prices as on the general flow of funds into the health care sector. The beneficiaries of that flow of funds don't want the government to limit them. Too large a role for the national government, they say. Heavy handed. Bound to be counterproductive. Dangerous. Mindless. And what would they propose instead? Mostly belated voluntarism. They should have thought of that a long time ago.

The president wants to bring the cost of health care down to about the same rate of rise as other costs in the society. The people who have been living off more—including all of us when in need of care—may not like it, but that's the right goal to set. The argument then becomes one not of ends but of alternative means.

Mr. PRYOR. Madam President, this editorial is entitled, "The Sky Is Not Falling." It goes on to talk about the health care industry and about the President's health care proposal. It says:

The drug industry warns, as ever, that there could be an end to research if what it regards as price controls are imposed—even though the plan would also expand the industry's market by subsidizing prescription drug purchases by the elderly.

Then it goes on to say:

The trial lawyers warn that there could be an end to the representation of malpractice plaintiffs if the plan limits the lawyer's share of awards—even though they could still take a third.

It goes on to say:

Mostly belated voluntarism. They should have thought of that a long time ago.

Madam President, a long time ago was a long time ago. Today is today, and now is now. And it is time to do something about health care reform. One of those areas that we must start in is prescription drugs. This is a critical area. It is an area basically where we have allowed the pharmaceutical companies of America to do what they please. We have encouraged them to do research; we have given them research and development tax writeoffs. We have given them enormous credits where they manufacture these drugs in Puerto Rico under the 936 section of the Internal Revenue Code.

We have given them every benefit, and now we are asking them to give us just a little bit of that back. And that is a fair pricing mechanism where we do not have to impose price controls.

I hope we do not have to impose price controls, and I am certainly going to be working, alongside the administration and with others in this body and in the other body in an attempt to find the ultimate solution to meaningful health care reform. And hopefully the companies that manufacture our prescription drugs will sign these commitments, and they will say we are serious; we are going to do this; and we are going to be a part of cost containment for the health care reform system that is on its way.

I thank the Chair, Madam President. I yield the floor.

EXHIBIT 1

PRESCRIPTION DRUG PRICE INCREASES ON MANY INDIVIDUAL DRUG PRODUCTS TAKEN BY OLDER AMERICANS STILL EXCEEDING GENERAL INFLATION RATE

Drug/manufacturer/use	Percent price increase January–June 1993	Multiple of January–June CPI (1.8 percent)	Multiple of projected 1993 CPI (3.2 percent)
	A	B	C
Betoptic (Alcon) drops [glaucoma]	5.9	3.3	1.8
Brethine (Geigy) 2.5 mg., 100's [asthma]	5.0	2.8	1.6
Bromfed (Muro) PD Caps, 100's [antihistamine]	7.0	3.9	2.2
Calan (Searle) 40 mg, 100's [hypertension]	5.5	3.1	1.7
Calan (Searle) 120 mg, 100's [hypertension]	5.5	3.1	1.7
Calan-SR (Searle) 180 mg, 100's [hypertension]	5.5	3.1	1.7
Copoten* (Squibb) 12.5 mg, 100's [hypertension]	4.9	2.7	1.5
Capoten* (Squibb) 25 mg, 100's [hypertension]	4.9	2.7	1.5
Capozide* (Squibb) 25 mg, 100's [hypertension]	4.9	2.7	1.5
Cardizem CD (Marion) 120 mg, 30's [hypertension]	5.3	2.9	1.6
Cardizem CD* (Marion) 180 mg, 30's [hypertension]	8.2	4.6	2.6
Ceftin* (Glaxo) 125 mg, 20's [antibiotic]	5.4	3.0	1.7
Ceftin* (Glaxo) 125 mg, 60's [antibiotic]	5.4	3.0	1.7
Colestid* (Upjohn) 300 gm, [cholesterol]	9.2	5.1	2.9
Colestid* (Upjohn) 500 gm, [cholesterol]	9.2	5.1	2.9
Corgard* (Squibb) 20 mg, 100's [antiarrhythmic]	4.9	2.7	1.5
Corgard* (Squibb) 40 mg, 100's [antiarrhythmic]	4.9	2.7	1.5
Corgard* (Squibb) 80 mg, 100's [antiarrhythmic]	4.9	2.7	1.5
Coumadin* (Dupont-Merck) 1 mg, 100's [blood thinner]	5.1	2.8	1.6
Coumadin* (Dupont-Merck) 2 mg, 100's [blood thinner]	5.1	2.8	1.7
Coumadin* (Dupont-Merck) 2.5 mg, 100's [blood thinner]	5.0	2.8	1.5
Coumadin* (Dupont-Merck) 10 mg, 100's [blood thinner]	5.1	2.8	1.7
Cytotec (Searle) 100 mg, 60's [antiulcer]	5.5	3.1	1.7
Cytotec (Searle) 200 mcg, 60's [antiulcer]	5.5	3.1	1.7
Danocrine * (Sanofi-Winthrop) 200 mg, 60's [hormome]	5.0	2.8	1.6
Disalcid (Riker) 500 mg caps, 100's [arthritis]	8.0	4.4	2.5
Disalcid (3M) 500 mg tabs, 100's [arthritis]	8.0	4.4	2.5
Disalcid (3M) 750 mg tabs, 100's [arthritis]	8.1	4.5	2.5
Doral (Wallace) 7.5 mg, 100's [sedative]	9.6	5.3	3.0
Doral (Wallace) 15 mg, 100's [sedative]	9.6	5.3	3.0
Eskalith * (SmithKline) 300 mg caps, 100's [antipsychotic]	5.9	3.3	1.8
Eskalith * (SmithKline) 300 mg tabs, 100's [antipsychotic]	5.9	3.3	1.8
Estraderm (Ciba) 0.1 mg, 8's [estrogen]	5.0	2.8	1.6
K–Dur (Key) 10 mEq, 100's [potassium]	6.5	3.6	2.0
K–Dur (Key) 20 mEq, 100's [potassium]	4.8	2.7	1.5
Lanoxin (Burroughs Wellcome) .125 mg, 100's [heart failure]	5.8	3.3	1.8
Lanoxin (Burroughs Wellcome) .25 mg, 100's [heart failure]	5.8	3.2	1.8
Lanoxin (Burroughs Wellcome) .5 mg, 100's [heart failure]	5.9	3.3	1.8
Lopressor (Geigy) 50 mg, 1000's [hypertension]	6.7	3.7	2.1
Lopressor (Geigy) 100 mg, 1000's [hypertension]	6.7	3.7	2.1
Lotrimin (Schering) Cr. 1 percent, 30 gm [antifungal]	6.5	3.6	2.0
Lotrimin (Schering) Cr. 1 percent, 60 gm [antifungal]	6.5	3.6	2.0
Macrodantin (Procter & Gamble) 25 mg, 100's [urinary tract]	9.7	5.4	3.0
Macrodantin (Procter & Gamble) 50 mg, 100's [urinary tract]	9.7	5.4	3.0
Macrodantin (Procter & Gamble) 100 mg, 100's [urinary tract]	9.7	5.4	3.0
Maxair (3M) 200mcg, 25.6 gm [asthma]	8.9	4.9	2.8
Maxitrol (Alcon) Opth. Oint., 3.5 gm [eye drops]	7.6	4.2	2.4
Maxitrol (Alcon) Opth. Susp., 5 ml [eye drops]	7.6	4.2	2.4
Methotrexate (Lederle) 2.5 tabs, 100's [cancer]	5.2	2.9	1.6
Micronase (Upjohn) 1.25 mg, 100's [diabetes]	6.0	3.3	1.9
Micronase (Upjohn) 2.5 mg, 100's [diabetes]	6.0	3.3	1.9
Micronase (Upjohn) 5 mg, 100's [diabetes]	6.0	3.3	1.9
Minocin* (Lederle) 50 mg, 100's [antibiotic]	5.2	2.9	1.6
Minocin* (Lederle) 100 mg, 100's [antibiotic]	5.2	2.9	1.6
Nizoral (Janssen) Cr. 2 percent, 15 gm [antifungal]	6.0	3.3	1.9
Nizoral (Janssen) Cr. 2 percent, 30 gm [antifungal]	6.0	3.3	1.9
Norgesic (3M) Forte Tabs, 100's [arthritis]	7.0	3.9	2.2
Normodyne (Schering) 100 mg, 100's [hypertension]	5.0	2.8	1.6
Norpace CR (Searle) 100 mg caps, 100's [arrhythmias]	5.5	3.1	1.7
Norpace CR (Searle) 150 mg caps, 100's [arrhythmias]	5.5	3.1	1.7
Percocet *(Dupont-Merck) 100's [pain killer]	5.1	2.8	1.6
Peridex (P & G Professional) Oral Rinse [antibacterial]	8.1	4.5	2.5
Persa-Gel (Ortho) 5 percent gel, 90 gm [acne]	4.7	2.6	1.5
Pilocar (Iolab) 0.5 percent, 15 ml [glaucoma]	8.2	4.6	2.6
Pilocar (Iolab) 1 percent, 15 ml [glaucoma]	7.9	4.4	2.5
Pilocar (Iolab) 4 percent, 15 ml [glaucoma]	7.9	4.4	2.5
Questran *(Squibb) 378 gm [cholesterol]	4.8	2.7	1.5
Questran Light *(Squibb) 210 gm [cholesterol]	4.8	2.7	1.5
Restoril (Sandoz) 15 mg, 100's [sedative]	5.0	2.8	1.6
Restoril (Sandoz) 30 mg, 100's [sedative]	5.0	2.8	1.6
Rythmol (Knoll) 150 mg, 100's [arrythmias]	5.0	2.8	1.6
Rythmol (Knoll) 300 mg, 100's [arrythmias]	5.0	2.8	1.6
Symmetrel *(Dupont-Merck) 100 mg, 100's [antiviral]	9.3	5.2	2.9
Theo-Dur (Key) 100 mg, 100's [asthma]	6.5	3.6	2.0
Theo-Dur (Key) 200 mg, 100's [asthma]	6.5	3.6	2.0
Theo-Dur (Key) 300 mg, 100's [asthma]	6.5	3.6	2.0
Tobradex (Alcon) Opth. Susp, 2.5 ml [antibiotic]	6.1	3.4	1.9
Tobradex (Alcon) Opth. Oint, 3.5 gm [antibiotic]	5.4	3.0	1.7
Tobrex (Alcon) Opth. Oint, 3.5 gm [antibacterial]	6.5	3.6	2.0
Tolectin (McNeil) DS Caps, 400 mg, 100's [arthritis]	6.4	3.6	2.0
Tolectin (McNeil) 200 mg tabs, 100's [arthritis]	6.0	3.3	1.9

PRESCRIPTION DRUG PRICE INCREASES ON MANY INDIVIDUAL DRUG PRODUCTS TAKEN BY OLDER AMERICANS STILL EXCEEDING GENERAL INFLATION RATE—Continued

Drug/manufacturer/use	Percent price increase January–June 1993	Multiple of January–June CPI (1.8 percent)	Multiple of projected 1993 CPI (3.2 percent)
Tolectin (McNeil) 600 mg tabs, 100's [arthritis]	6.4	3.6	2.0
Trandate * (Glaxo) 100 mg, 100's [hypertension]	5.0	2.8	1.6
Vascor Filmtabs (Ortho) 200 mg, 30's [hypertension]	6.0	3.3	1.9
Vascor Filmtabs (Ortho) 300 mg, 30's [hypertension]	6.0	3.3	1.9
Voltaren (Geigy) 25 mg, 60's [arthritis]	5.0	2.8	1.6
Voltaren (Geigy) 50 mg, 60's [arthritis]	5.0	2.8	1.6
Voltaren (Geigy) 75 mg, 60's [arthritis]	5.0	2.8	1.6
Zovirax (Burroughs Wellcome) 200 mg, 100's [antiviral]	6.7	3.7	2.1
Zovirax (Burroughs Wellcome) Oint., 5 percent, 2 gm [antiviral]	6.7	3.7	2.1

* Indicates a company that had made a public declaration to hold their price increases, in one way or another, below the increase in the Consumer Price Index.

KEY TO COLUMNS

A—Indicates the increase in the Average Wholesale Price (AWP) for the drug for the period January–June, 1993 as reported in Medispan Data Base. These prices reflect the average prices at which manufacturers report that pharmaceutical wholesalers sell their products to buyers, including community pharmacies. AWPs are generally regarded as "stocker price."

AWPs usually do not reflect actual transaction prices, but such transaction prices are generally calculated as a percentage of the AWP. For example, a buyer may purchase a drug at AWP minus 10 percent. Therefore, if the AWP increases, the actual transaction price increases as well. Therefore, if a product's AWP is $50 and increases to $53, it is an increase of 6 percent. The original transaction price at AWP minus 10 percent is $45, and the new transaction price is $47.7, which is also a 6 percent increase from the original transaction price of $45. Therefore, the increase in the AWP closely reflects percentage increases in actual transaction prices.

B—Indicates the multiple by which the price increase on the drug for the first 6 months of 1993 exceeded the increase in the CPI–U for the first 6 months of 1993, which was 1.8 percent.

C—Indicates the multiple by which the price increase on the drug for the first six months of 1993 exceeds the projected Blue Chip Indicator increase in the CPI–U for the entire calendar year 1993, which was 3.2 percent at the beginning of the year. Therefore, even if the manufacturers do not increase the prices of these drugs any further in 1993, they have already exceeded the projected rate of inflation for 1993 in the first six months of 1993.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legslative clerk proceeded to call the roll.

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

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

SVOBODA MARKS 100-YEAR ANNIVERSARY

Mr. DOLE. Madam President, today marks the centennial anniversary of Svoboda, the official newspaper of the Ukrainian National Association. For 100 years, Svoboda has provided hundreds of thousands of Ukrainian immigrants, in America and elsewhere, news about the situation in Ukraine and events around the world.

Svoboda has long served as a pipeline of reliable information on key developments in Ukraine, such as the 1932–33 famine resulting from Joseph Stalin's brutal repression of the Ukrainian people, and more recently, the events leading to the disintegration of the Soviet Union and the Ukrainian nation's struggle for independence.

It is only fitting that "Svoboda"—which means liberty—should celebrate its hundredth anniversary at a time when Ukraine is independent and on the road to democracy. Ukrainian-Americans should take pride in Svoboda's achievements, which I hope will be a reminder to all Americans of the strategic importance of Ukraine—a resource-rich and industrialized country with over 50 million people. It is in the interest of the United States to support the independence of Ukraine, as well as its efforts to establish genuine democracy and a free market economy.

Madam President, Svoboda has played a unique role in United States-Ukrainian relations. I wish to congratulate the Ukrainian National Association and all Ukrainian-Americans on this special occasion.

BARNEY AND THE TAXPAYERS

Mr. DOLE. Madam President, of all the political leaders and celebrities that have come to Capitol Hill this year, few have done so with the fanfare last week of Barney, the smiling purple dinosaur known to millions of America's children from the PBS series "Barney & Friends." And thanks to an article in Monday's Washington Post, we now know why Barney smiles so much.

You see, Barney is not just a dinosaur—he is a cash cow. According to the Post, sales of Barney merchandise could reach one-half billion dollars per year, and the licensing fees merchandisers pay for the privilege of making the more than 200 Barney products could be as high as $50 million per year. I do not have any problem with that. From what I understand, "Barney & Friends" is an excellent program, Barney is a lovable character, and more power to his creators for producing jobs and capitalizing on his blockbuster popularity.

What I do have a problem with is the fact that despite putting up $2.25 million between them—much of it tax dollars—to launch "Barney & Friends" last year, the taxpayer-supported Corporation for Public Broadcasting and the Public Broadcasting Service have not seen one dime from Barney merchandise. That is right, the American taxpayers helped make Barney into a multi-million-dollar enterprise, but the Public Broadcasting System supported so handsomely by the taxpayers does not get a cut of the sales of Barney backpacks, Barney slippers, Barney socks, Barney lunch boxes, Barney videos, Barney bedside lamps, talking Barney, or the scores of other Barney items available at a toystore near you.

CPB officials say they are concerned, and they should be. Eugene Katt, CPB's senior vice president for programming, told the Post:

> Barney has been a lot more successful than we anticipated. We will take a much harder look at licensing and profit sharing. Some income should be used to the benefit of public broadcasting.

Children's television activist Peggy Charen concedes "* * * it seems idiotic to have all that product and no return to public broadcasting."

But Barney-gate is just the tip of the iceberg. The Post article has exposed a problem that some of my colleagues and I took a lot of heat for discussing last year—the enormous taxpayer-subsidized profits of the children's television workshop, the well-heeled but so-called nonprofit corporation behind the fine program "Sesame Street," not to mention the enormous revenue from merchandising associated with programs such as Bill Moyers' "The Power of Myth," "The Civil War," "Wall Street Week," and "The Frugal Gourmet." But if you want to get to the bottom of all this profiteering, you cannot—public broadcasting is not subject to the Freedom of Information Act.

If there was ever an area where Vice President GORE'S and his so-called reinventing government program ought to take a look, it is right here. This may be it. Maybe it is time for taxpayer-supported public broadcasting to drive a hard bargain with some of the profiteers making millions of dollars in licensing fees off of taxpayer-supported programs. According to the Post, a successful toy licenser argues that "PBS could negotiate deals that would bring

it $10 million to $15 million per show each year." It seems only reasonable that before the taxpayers are asked to give public broadcasting a raise, a sincere effort ought to be made to share in the merchandising profits generated by taxpayer-subsidized programs, or to phase-out taxpayer subsidies for programs that clearly do not need them.

Again, make no mistake, this Senator and Barney are friends, and there's absolutely nothing wrong with making a buck. However, it is time that this happy dinosaur's financial arrangement with taxpayer-supported public broadcasting went the way of the ice age.

Madam President, I ask unanimous consent that an article from the September 13th Washington Post entitled "PBS Missing Out on Barney's Bucks" be included in the RECORD.

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

PBS MISSING OUT ON "BARNEY" BUCKS

(By Ellen Edwards)

He greets you at the entrance to the Toys R Us on Rockville Pike, three feet of purple fur holding a balloon of himself in his paw. At $249.99, the enormous stuffed dinosaur is one of the more expensive Barney items in the store, but there's plenty for the more frugal parent.

Cruise the aisles and Barney stuff is everywhere: slippers ($7.99), backpack ($24.99), slumber tote ($12.99), socks ($3.59), 65-piece party set ($9.99), four kazoos ($4.99), bedside lamp ($24.99), talking Barney ($39.99), "My Barney Birthday Journal" ($3.99). And much more—every one with a happy little tag reading "Barney—A Friend to You and Me."

These items have an edge on a lot of the other neon-colored products screaming to be taken off the shelves: The toddlers who are their primary target have their attachment to Barney reinforces every day on public television—the "educational" network that parents feel good about turning on. No other kind of advertisement was needed to send Barney into the stratosphere of success. With more than 200 products, he brings in what industry sources estimate could be as much as $500 million in annual sales.

But neither PBS nor its parent, the Corporation for Public Broadcasting, will see any income from these toys. Each put in $1.125 million—totaling roughly half the cost—to launch the series "Barney & Friends" last year. But the licensing fees—perhaps as much as $50 million—will go to the Lyons Group, the private company that created "Barney" as a lowly off-the-shelf videotape.

"There has been significant private gain," said Peter Downey, PBS's senior vice president for program business affairs. "We feel very strongly that there should be some public gain."

Alfred Kahn, a licenser who acquired the master license to the Cabbage Patch Kids dolls, the hot item of the mid-'80s, believes that PBS could negotiate deals that would bring it $10 million to $15 million per show each year. He offers a pointed assessment of the current situation: "What a great deal. Somebody [PBS] gives you production money and doesn't ask for anything else."

"Adults think PBS is sharing in the pot," said Kahn, CEO of Leisure Concepts. "They get zip, zilch, nada."

Downey says PBS has raised this matter with the "Barney" producers and that they agree "this is something that needs to be rectified."

Yet the subject of sharing licensing revenues raises tricky questions for PBS, which shuns commercialization. Peggy Charren, founder of the activist group Action for Childrens' Television, points out that because PBS receives no licensing fees, it cannot be accused of choosing programs for their commercial potential. "But it seems idiotic to have all that product and no return to public broadcasting," she said.

"'Barney' has been a lot more successful than we anticipated," said Eugene Katt, senior vice president for programming at CPB. "We'll take a much harder look at licensing and profit sharing. Some income should be used to the benefit of public broadcasting."

"BARNEY'S" BUCKS

Benefits are a two-way street. "Barney" has contributed heavily to the 77 percent increase in PBS's preschool program ratings over the last two years, and has helped raise money for stations during pledge drives. Friday the big cuddly dinosaur visited Capitol Hill to do two shows for the children of members of Congress and, not incidentally, lobby their parents for continued support of public television. The kids' ecstasy over Barney certainly didn't hurt PBS's cause.

Of course, "Barney" is not the first PBS show to make big money from licensed products. "Sesame Street," the grande dame of PBS's children's programming, has 5,000 products and brings in slightly more in licensing fees than "Barney" does. But "Sesame Street" is produced by the nonprofit Children's Television Workshop, which plows its share of the money back into programming.

When "Sesame Street" began in the late 1960s, the producers knew they would have to look for additional revenues: "It was clear we could not expect government, foundations and PBS to support the whole of it," said David V.B. Britt, president and CEO of the Children's Television Workshop. The Workshop decided to generate money by licensing characters from the show, and before long. Big Bird and his monster friends were fixtures of the American home. This year they grossed $31 million for the Workshop. (Additional licensing revenues go to the private production company of the late Jim Henson, creater of the Muppets.)

Yet even with that kind of income, Children's Television Workshop receives about $6.2 million from PBS for "Sesame Street" while it puts in $11.6 million. Over the years, the Workshop has grown into a $120 million annual enterprise, with TV, magazines and books. Still, the Workshop will have a shortfall of $2.4 million this year.

One reason: Licensing revenues are slightly off because of the Barney competition. "We had a long period of growth," said Britt, "and now with the intense competition it has flattened out."

What Children's Television Workshop pioneered, companies producing recent PBS shows are taking to greater heights. PBS's "Shinning Time Station," featuring Thomas the Tank Engine, takes in what could be as much as $40 million a year for its for-profit production company, Quality Family Entertainment. (None of the for-profit companies would reveal their licensing revenues.) "Licensing is the tool by which we extend the magic on the screen," said Quality CEO Angus Wright.

Kathy Quattrone, PBS's vice president for programming, said the success of "Barney & Friends," "Shinning Time Station" and "Lamb Chop's Play-Along," with Shari Lewis, along with that of "Sesame Street," has been "somewhat phenomenal."

"Without our funding, the television programs wouldn't necessarily have been there," said Quattrone. PBS's recent children's programming initiative has made it the leader in preschool programming. And having a program on PBS provides the imprimatur of educational quality that can't be bought on commercial TV.

"PBS did what nobody else was going to do," says Shari Lewis. "The entire commercial broadcasting world had turned their backs totally on the preschool audience, totally on live programming. . . . [Public broadcasting's] hearts and their heads are in the right place. Our children are not for sale to the highest bidder when you deal with PBS."

"AN INNOCENT FIND"

For PBS, finding Barney was serendipity. Sheryl Leach, a Texan, created him with her 2-year-old son in mind and produced home videos at her father-in-law's video business for retail sale. When the preschool daughter of a Connecticut Public Television executive fell in love with one of those videos, her dad got the idea that the goofy purple dinosaur might be made into a show for PBS. It went on the air in April 1992.

"I thought it would be big," says Larry Rifkin, vice president of programming at CPT, "but I had no idea how fast it would be part of the culture. It was an innocent find."

Connecticut Public Television took the idea to PBS, which funded "Barney" at about the same tine it began funding "Lamb Chop" and "Shinning Time Station." PBS made it clear that it was unlikely they would all survive. And after a few months, PBS canceled "Barney."

Until it heard the roar from stations and viewers and reversed itself.

And still. . . . "We had no inkling of what was about to happen," said PBS's Downey. "We thought we had a show that was successful by public television standards. Then the bonanza really let loose this past Christmas."

The first year, the Lyons Group production company created 30 half-hour shows. This year there will be 18 more. PBS holds the exclusive rights to broadcast "Barney & Friends" through 1998, but that hasn't stopped Lyons from looking for other outlets for Barney. Lyons is negotiating with all four commercial networks for a lucrative prime-time Barney special next spring. Public broadcasting, of course, couldn't pay that kind of money, but that doesn't means PBS officials are happy about it. "If they go somewhere that we think is to our disadvantage, we have the right to stop carrying the program," said Downey, but added: "So far it has been more a positive than a negative."

Lyons has provided slightly more than half the production costs for "Barney & Friends"—$2.6 million the first season, $1.9 million this season. But Leach said Lyons may assume a greater share of the cost as "Barney" becomes increasingly successful.

Said Connecticut Public Television's Rifkin: "Risk was one of the things this relationship minimized for all of us. It was not a risk for PBS. There was not a dime in R&D. We could have spent $10 million and not come up with a Barney."

The Lyons Group, however, had a substantial risk. "We had to find 50 percent of the budget," said Leach. "It was a tremendous cash drain on our company." This season Kimberly-Clark Corp. will become "Barney's" first underwriter, she said, contributing $795,000 to the production. And she is

quick to add that Barney was not an unknown quantity when PBS picked up the show: "Barney was already successful [as a home video] before it aired on PBS," Leach said.

Rifkin is philosophical about what has happened to his "innocent find." "Any relationship with any producer has to be looked at in the whole. It shouldn't be punitive because it catches a tailwind." Still, he said, PBS may look at negotiations differently in the future. "Every experience is informed by the previous efforts. . . .

"I hope everybody recognizes that 'Barney' has been a wonderful boon to everyone who has touched it," said Rifkin, referring to retailers and public television, but especially children. "It's working on every level for everyone. It's a fund-raiser, it's an audience enhancer, it has great value in bringing new audiences to public television."

Mr. DOLE. Madam President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

REPUBLICAN HEALTH PLAN

Mr. KENNEDY. Madam President, I want to commend Senator CHAFEE and his Republican colleagues for the hard work and commitment they have shown in developing the health reform proposal that they announced today. This proposal, along with comprehensive proposals previously introduced by Senator JEFFORDS and Senator KASSEBAUM, shows that there is commitment to reform on both sides of the aisle.

I am pleased to see that the plan introduced today has many points in common with the plan that President Clinton will announce next week. Both proposals share the same goal of universal coverage and affordable health care for all Americans. Both proposals encourage the use of market forces to control health care costs. Both proposals provide assistance to low income Americans. Both proposals enable small businesses and individuals to join purchasing alliances to obtain coverage at an affordable cost. Both proposals include measures to prohibit abusive insurance company practices. Both proposals simplify reporting and data requirements, and reduce the paperwork and red tape that plague the current system and make it so wasteful and inefficient. Both proposals include measures to reform medical malpractice liability, to provide greater flexibility in the application of the antitrust laws to health care, and to improve the quality of care.

The shared goals and the many points in common between President Clinton's plan and the Republican proposal are a positive sign that bipartisan cooperation is not only possible but probable in this all-important debate that is now underway, and I look forward to working closely with Senator CHAFEE and other Republicans on legislation to achieve our goals.

At the same time, there are significant differences between our two approaches that need to be addressed as we work towards a reasonable and realistic compromise.

I am particularly concerned with the approach to achieving coverage in the Republican plan. The requirement on individuals to purchase coverage without any sharing of responsibility by employers, coupled with a Government subsidy, will encourage many businesses to drop coverage and shift an even heavier financial burden onto middle-class families and the taxpayers.

I am also concerned that the failure to back up steps to improve the market with strong limits on spending does not provide adequate assurance that health care will be affordable for businesses and average Americans. Medicare beneficiaries would be asked to accept substantial benefit cuts without steps to fill current gaps in coverage such as long-term care and prescription drugs. The proposal to limit the deductibility of health insurance benefits could result in a tax increase and higher health care costs for millions of middle-class Americans. And the proposed benefit package does not provide sufficient specificity to assure citizens that all their essential medical needs will be met when serious illness strikes.

Nevertheless, the Republican plan is a major step forward. It augurs well for our ability to work closely together in the months ahead, and to develop a truly bipartisan bill that meets the increasingly urgent needs of the American people and the Nation.

THE COMMUNITY FAMILY, INC.—A PIONEER IN ADULT DAY HEALTH CARE

Mr. KENNEDY. Madam President, it is a privilege to take this opportunity to commend an outstanding Massachusetts health service organization which is celebrating its 15th anniversary this year.

The Community Family, Inc., based in Everett, MA, is a national model for community adult day health programs for persons with Alzheimer's disease and other debilitating memory-loss illnesses. In the course of the past 15 years, with its programs in Everett, Medford, and Lowell, The Community Family has served more than 2,500 individuals and it has assisted over 9,000 more through referrals to other facilities and organizations.

The Community Family's primary purpose is to provide supportive on-site medical, social, and therapeutic recreational services to adults who need medical supervision either in a medical day center or memory-loss center. These adult day health programs offer members a place to get together with others and achieve success through activities, crafts, and exercise while receiving the best possible health care. Other services and programs include education, home assessments, family support, especially in helping family members understand their loved one's illness, and assistance in nursing home placement when necessary.

A principal advantage of adult day health programs is that they bring greater peace of mind to family members, because they know their loved ones are safe and well cared for during the day. Fewer workers need to take time off from the job to assist their loved ones, and they can be more productive members of the work force.

The cost of the programs is far less than the cost of institutionalization. As an alternative to institutional care, The Community Family provides supportive environments that enhance the lives of participants and achieve substantial savings in health costs.

The Community Family's farsighted and effective approach is based on its respect for the dignity of each participant and its dedication to effective care. I commend The Community Family for its pioneering achievements of the past 15 years, and I wish them continued success in the years ahead.

SVOBODA, A CENTENNIAL CELEBRATION OF SERVICE TO THE UKRAINIAN PEOPLE

Mr. PRESSLER. Madam President, 100 years ago, on September 15, 1893, the first issue of Svoboda—the oldest and largest continually published Ukrainian-language daily newspaper in the world—was published. Svoboda began as a biweekly newspaper published in Jersey City, NJ, by the pastor of the local Ukrainian Catholic Church, it became a daily newspaper on January 3, 1921.

From the beginning, the editor-in-chief of Svoboda intended the daily to be the people's paper. The paper's goals were laudatory: defend national interests, encourage people to community activity and socially useful work, and raise national consciousness. Svoboda was considered a true beacon of light. Amidst a feeling of hopelessness and despair among newly arrived Ukrainian immigrants in America, Svoboda offered them reassurance, hope, and pride in their heritage. The intent of the founders, from the inception of Svoboda, was to create a crusading newspaper.

Svoboda's first crusade was to establish a national organization for Ruthenians. In the fourth issue of the newspaper, dated November 1, 1893, the leading article on the front page of Svoboda was entitled "We Need a National Organization." The article gave birth to the idea of a national fraternal organization, in America, called the Ruthenian National Association. This new and greatly needed organization would go on to assist needy workers, promote enlightment within the Ukrainian community, encourage political involvement in American life,

and act as the protector and benefactor of all Ruthernians. Not long after the founding of the Ruthernian National Association, the fraternal organization assumed the role of publisher of Svoboda.

The Svoboda publishers historically used the editorial pages of the newspaper to shape, define, and defend the Ukrainian national identity. The Svoboda Press publishing house published scores of books, booklets, pamphlets, and magazines in both English and Ukrainian for the generations of Ukrainians, young and old, living in America. The proliferation of this literature not only promoted basic knowledge of Ukrainian literature and history, but also instilled pride in Ukrainian heritage and encourage both Ukrainian and American patriotism.

Today, in its centennial year, Svoboda remains a beacon of light and an inspiration of the newly independent Ukrainian people. For many years, Svoboda has been monitoring the darkest chapters of Ukrainian history. Today, Svoboda joins with its readers and the people of Ukraine to nurture and defend the new democracy now developing in Kiev. The next crusade Svoboda can devote the next hundred years to promoting is the growing political and economic and independence of the Ukraine. I expect Svoboda's next 100 years to be an even greater celebration of Ukrainian achievements. Today is not a 1-day celebration. It is the end of a remarkable 100-year celebration of providing information and inspiration to the Ukrainian people. I wish the current and future editors and writers of Svoboda the best of success.

CENTENNIAL ANNIVERSARY OF SVOBODA

Mr. LAUTENBERG. Madam President, I would like to take this opportunity to extend my congratulations to the Svoboda on its centennial anniversary; 100 years ago today, the first Svoboda, the official newspaper of the Ukrainian National Association, rolled off the press. Since then, the Svoboda has provided hundreds of thousands of Ukrainian immigrants, in their native language, with information about the United States and the world.

The Svoboda, meaning Liberty, is the oldest ethnic newspaper in the United States. It has also been the catalyst for the creation of numerous organizations which have provided, without U.S. Government assistance, for the educational, social, and cultural needs of the Ukrainian-American community.

Over the years, the Svoboda has served as a channel to the West for Ukrainians. It was through Svoboda that United States political leaders learned of the Stalinist famine in Ukraine in the 1930's, the arrest of Ukrainian human rights activists in the 1970's and 1980's and the final struggle for Ukraine's independence in 1990–1991.

I congratulate the Svoboda on its 100 years of achievement.

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

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

CAPITOL FEDERAL SAVINGS' 100TH ANNIVERSARY

Mr. DOLE. Madam President, I rise today to congratulate and to honor Capitol Federal Savings & Loan Association of Topeka, KS, who are celebrating their first 100 years of continuous operation tomorrow.

Founded by 15 community leaders on September 16, 1893, Capitol Federal has grown from its local roots to become the largest independently operated savings and loan association headquartered in Kansas.

Much of Capitol Federal Savings' success is due to the many years of leadership of my old friend, Henry Bubb.

For over 62 years, Henry Bubb and Capitol Federal were synonymous. Today Capitol Federal enjoys solid leadership under Chairman Jack Dicus.

Over the last 5 years Capitol Federal has maintained strict management policies, resulting in nearly $400 million of capital which promises to vault the association into the 21st century.

By adhering to these simple principles: Safety in savings, sound lending policies, quality customer service, and commitment to community, Capitol Federal has set an outstanding example for the entire savings and loan industry.

Capitol Federal is an example to us all, exemplifying honesty, integrity, and dedication.

On behalf of the people of the State of Kansas, I salute the employees of Capitol Federal Savings as they begin their second century of service.

Madam President, I ask unanimous consent that a brief history of Capitol Federal be printed in the RECORD.

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

CAPITOL FEDERAL—A PROUD HERITAGE

Capitol Federal Savings and Loan Association of Topeka, Kansas, proudly celebrates 100 years of service to its customers and communities. Throughout its history, the Association has remained steadfast in its commitment to thrift and the American Dream of Home Ownership. It continues to base its ideals on its Corporate Philosophy of Safety in Savings, Sound Lending Policies, Quality Customer Service, and Commitment to Community.

As Capitol Federal reaches its Centennial mark, there is much for which the Association can be thankful and to which we all can look with pride. The Association's future looks bright as it nears $4 Billion in assets, expands its Manhattan home mortgage division with an extension facility at 15th and Poyntz, and opens its twenty-fourth office to be located in Lenexa, Kansas.

Capitol Federal represents a history of continued growth and service in Kansas. Capitol Federal's standing in the financial world has been one based on strength and security. The Association is a leader among thrift institutions and commercial banks throughout the Midwest area, ranking as the largest savings and loan association in Kansas and consistently among the 100 largest associations in the United States. The character of Capitol Federal and its people earned the loyalty of generations of customers who stood with the Association through difficult economic times as well as prosperity. A corporate commitment of safety and a strong capital position, to sound lending and underwriting policies and to consumer-oriented financial services has estimated Capitol Federal as one of the most respected institutions of its time.

With recent problems within the financial industry, it is no accident that Capitol Federal has remained strong and has grown. Throughout its history, the Association has demonstrated its ability to "weather the storm." It is a proud heritage we all celebrate during Capitol Federal's Centennial. It is because of Association directors, officers, employees and customers, past and present, that Capitol Federal is so well respected in our communities, our state and our nation.

First known as the Savings and Loan Association of Topeka, Capitol Federal was founded on September 16, 1893, by 15 businessmen in Topeka to promote the habit of thrift and to encourage home ownership. The official charter was dated December 16, 1893, and paid-in capital totaled $3,000. Among the founders were bankers, insurance agents, attorneys, railroad employees, the president of a dry goods store, the Topeka City School Superintendent and a physician. They were: Major William Sims, President and Director, E.L. Copeland, Vice President and Director, Charles S. Elliott, Secretary and Director, William Macferran, Treasurer and Director, P.H. Forbes, Attorney and Director, C.G. Blakely, Accountant and Director, Charles F. Menninger, M.D., Director, W.E. Halm, Director, F.D. Fuller, Director, H.A. Health, Director, F.E. Carringer, Director, William M. Davidson, Director, William Mitchell, and F.F. Dennis.

By 1894, the Association, had grown to assets of $8,000. In 1899, with assets nearing $270,000, the Association's name was changed to the Capitol Building and Loan Association. Twenty-five years after its founding, in 1918, assets totaled $3 million.

In 1924, the Home Office building at 534 Kansas was completed, which proved to be an architectural landmark in the Midwest. In 1932, the Federal Home Loan Bank System was organized and Capitol Federal became a member. By March, 1933, assets had grown to $10 million when the Bank Holiday was declared and all banks closed their doors for one week by Presidential Order. Although the Depression years hit hard, Capitol Federal never had to close its doors. In 1938, we adopted a federal charter and our accounts were automatically insured by the Federal Savings and Loan Insurance Corporation or FSLIC. Accordingly, the name was changed to the present one—Capitol Federal Savings and Loan Association.

By 1941, assets had dropped to $4,600,000 and Henry A. Bubb was named the new President. He was given the task of rebuilding Capitol Federal's assets and of leading the Association through four difficult war years. With Mr. Bubb's leadership, Capitol Federal sold more War Bonds than any other financial institution in Kansas. The 50th anniversary saw assets of only $5.8 million, but a significant backlog for housing and the demand and need for broader financial services had resulted from the war and Henry Bubb was there to set the pace and lead the way. By the close of the 1940s, Capitol Federal assets had grown to $19,600,000.

Mr. Bubb's dynamic leadership within Capitol Federal and for the savings and loan business nationally is a biography of its own. In 1950, he served as President of the national trade organization for savings and loan associations, now known as the U.S. League of Savings Institutions. Recognized for his political expertise, he helped to found the League's Washington office and then served as the League's first Legislative chairman for nine years beginning in 1955. He was conferred the title of "Distinguished Fellow" by the International Union of Building Societies and Savings Associations in 1971, an honor then held by only one other American, President Herbert Hoover.

The fifties and sixties represented the expansion years for Capitol Federal as services were made available to a broad customer base throughout Northeast Kansas. In October, 1950, Capitol Federal brought about a new dimension in the financial business by establishing one of the first branch offices for savings and loan associations at 1201 Topeka Boulevard in Topeka. In March of 1954, a boiler explosion "rocked" the branch office causing great damage to the facility. The explosion blew out windows and left ten inches of water in the basement due to a broken water pipe. Because it occurred at 12:30 a.m., no one was injured. Records were not destroyed and service was not interrupted as customers were sent to the Home Office. It was not long before the office was remodeled to look as it does today.

A second branch office was constructed in Lawrence in 1953. In 1954, a branch office opened at 5600 Johnson Drive in Mission, Kansas, and a new building was constructed at 5251 Johnson Drive in 1955. This expansion took place in part of a fast growing area in the southwest quadrant of the Kansas City metropolitan area.

A milestone was reached in 1958 when Capitol Federal achieved the $100 million mark. In 1961, the construction of the new Home Office building at 700 Kansas was completed. Another branch office was opened in 1962 in Johnson County at 95th and Nall. By that time assets had reached $200 million and Capitol Federal became the largest financial institution in Kansas. Capitol Federal had become the largest financial institution in Kansas, a position it did not relinquish until the mid-eighties when the Kansas Legislature authorized multi-bank holding companies and the first major regional commercial banking center was formed. A third Johnson County office opened in 1963 at the Meadow Lake Shopping Center, 76th Terrace and State Line, allowing some penetration into the Kansas City, Missouri, market. In 1964, the Fairlawn office was added in Topeka at 21st and Fairlawn to serve the expanding southwest area of the city.

A "Capitol Federal First" was accomplished in October, 1964, when $300 million in assets was reached. Capitol Federal was the first financial institution in the four-state District of the Federal Home Loan Bank of Topeka to achieve this distinction. The year 1966 saw the initial efforts by Congress to control dividend rates and to authorize the Federal Home Loan Bank System to establish interest rate ceilings on what institutions could pay for savings. Continued control actions caused the inability for regulated banks and savings and loans to compete for deposits in times of economic inflation and ultimately led to the deregulation of the financial services business in the early eighties and to monumental change in all financial institutions. The number of institutions would be reduced dramatically and competition for deposits would result in a whole new array of financial services available to the consumer.

During our 75th year, 1968, Capitol Federal grew to $400 million in assets. In that same year, Capitol Federal opened its Santa Fe office at 87th and Santa Fe in Overland Park, and construction was begun on the new four-story Johnson County Headquarters at 95th and Nall, replacing the original one-story office built in 1962. In 1969, John C. Dicus was named President, with Mr. Bubb remaining as Chairman of the Board and Chief Executive Officer.

The Seventies saw Capitol Federal move ahead safely and soundly as emphasis shifted to earnings and to improved customer services throughout an effective branch system established during the previous two decades. In December, 1971, Capitol Federal moved west of Topeka and opened its branch office at 14th and Poyntz in Manhattan. In April, 1971, Capitol Federal reached the great milestone of one-half billion dollars in assets. Continued growth was the pattern during 1972 as a fifth branch office in Johnson County opened in November at 5700 Nieman Road. Conversion was made to an on-line data processing computer system in 1972.

In October, 1973, Capitol Federal purchased the Mutual Building and Loan Association of Emporia at 6th and Commercial, and in November, completed construction of its sixth Greater Kansas City office at Santa Fe and Burch in Olathe. The year 1974 saw the opening of a second office in Lawrence and the remodeling of the Emporia office. Late in the year, Capitol Federal introduced its new PASSCARD System as the Association moved into the electronic funds transfer era with its plastic card/statement savings account. As Capitol Federal grew during 1975 so did its PASSCARD System which began offering Money*Matic in four supermarket locations, allowing customers access to their accounts away from our offices.

Construction began in 1975 on a new office in the Mid-State Mall in Salina. In 1976, five more Money*Matic locations had been added and plans were being made to expand the system even further. In June, 1977, Capitol Federal was very proud to reach the ONE-BILLION-DOLLAR mark, and in 1978, our P.S.* Telephone Bill Payment Service began—the first in Kansas.

January, 1980, saw the installation of six IBM 3624 Automated Teller Machines (ATMs) or Passcard Centers in the Johnson County offices. FSLIC insurance on accounts rose to $100,000 per account. In July, 1980, Capitol Federal celebrated the opening of its first Wichita office at 8040 East Douglas, bringing total Association locations to seventeen and the opening of a new market area to Capitol Federal.

"Deregulation" of the Eighties brought tremendous change for the savings and loan business and for Capitol Federal. On January 1, 1981, Capitol Federal introduced NOW Accounts—Checking Plus Interest—to its customers. This was the forerunner to our present Personal Checking Accounts. The greatest impact of deregulation came from the money market deposit account which allowed all financial institutions to compete unregulated for consumer deposits. Home owners became familiar with such terms as RRMs (Renegotiable Rate Mortgage) and ARMs (Adjustable Rate Mortgage). In the summer and fall of 1981, Capitol Federal opened its two new offices at 10101 College Boulevard in Overland Park and 29th and Wanamaker Road in Topeka. 1981 also was the year for the development of the new Consumer Loan Department. The Cash Fund Account made its debut in December, 1982.

In June, 1983, Southwest Federal Savings of Wichita merged into Capitol Federal. This merger brought two more offices into Capitol Federal, the Wichita Downtown office, then located at 130 North Market, and the West Wichita office at 4020 West Maple. ATMs were added to these two offices, bringing the total number of ATMs to sixteen. As of September, 1983, assets totaled over $1.9 billion. 1984 began with the opening of the 27th Money*Matic location at Kansas University, its third.

In July, 1984, as part of the Association's overall plan to be a full family financial center, EXECULINE Home Equity Loans were introduced. In 1985, President Dicus announced the development of a Corporate Business Plan for Capitol Federal. Because of the economic environment, Mr. Dicus saw the need for a plan. He stated, "We cannot assume that our growth is automatically secure for the future."

In January, 1986, Capitol Federal opened an auto-teller facility at the 87th and Santa Fe office, increasing the auto-teller lanes to four and ATMs to two. In June, 1986, we celebrated Mr. Bubb's 60th anniversary with Capitol Federal.

1987 saw Capitol Federal's growth and success continue as the Association reached assets totaling $2.574 billion and regulatory capital of over $233 million. All thrift institutions were required to write off the FSLIC Secondary Reserve against current earnings in 1987 and adverse publicity continued to plague the FSLIC. Congress passed a Recapitalization Bill but little progress had been made in resolving the problem of insolvent thrifts.

In January, 1988, the newly-completed East Olathe office at 2100 East 151st in Olathe held its grand opening. In the fall of 1988, Capitol Federal moved the Association's downtown Wichita office to the Centre City Plaza, 151 North Main. In November, the Association opened its twenty-second office at 10404 West Central in Wichita. On December 1, 1988, Capitol Federal and Bank IV Wichita, N.A., activated an electronic connection between VIA and Passcard, extending ATM service and conveniences to all VIA and Capitol Federal customers twenty-four hours a day. This agreement also opened more than 20,000 (now 30,000) PLUS System* ATM locations throughout the world to Capitol Federal customers. On December 31, Capitol Federal ended its Money*Matic service.

On Tuesday, January 10, 1989, Capitol Federal mourned the death of its longtime Chairman, Henry A. Bubb. For more than 62 years, Mr. Bubb devoted his life to Capitol Federal Savings, and his impact on the Association and the savings and loan business cannot be expressed in words. His commitment to strength, safety and the basic values helped Capitol Federal survive the FSLIC crisis. His dynamic, progressive leadership

helped to make Capitol Federal the strong institution it is today.

President John C. Dicus was named Chairman and Chief Executive Officer on January 17, 1989, continuing the tradition of strong leadership begun so many years ago. Chairman Dicus and other members of senior management had been well trained by Mr. Bubb to continue Capitol Federal's all-important tradition of strength and safety. In the words of Director Robert B. Maupin, "Jack's background and ability allowed for a smooth transition in leadership following Henry's death, with no loss of efficiency and productivity during that period of change."

Until 1921, the President's primary function was to preside over board meetings since there was no Chairman. The actual day-to-day operations were controlled and managed by the Secretary. Those who served as President were Major William Sims, William Macferran, and Bennett R. Wheeler. In 1921, Mr. Wheeler became Chairman, and those who have followed him in that position include Charles S. Elliott, M.B. "Byron" Gourley, Mr. Bubb, and Mr. Dicus.

During the 1980s, banks and savings and loans suffered from extremely high inflation rates, the trauma of deregulation and instability in some sections of the economy that resulted in the failure of numerous institutions. While other financial institutions elected to engage in many new and "exciting" ventures, Capitol Federal chose to follow a conservative business plan. Building on strong earnings and capital, Capitol Federal remained "family-oriented" with "more than 90% of loans to single-family home buyers, the savings and loan industry's traditional niche of borrowers." Several articles throughout the 1980s praised Capitol Federal for its commitment to strength and safety and for standing by its basic beliefs. In June, 1989, Capitol Federal was among five savings institutions described as "roses who have weathered the storm" in the issue of Savings Institutions, a publication of the U.S. League of Savings Institutions.

In July, as a part of the Association's Business Plan, a revision of the Corporate Operating Guide was begun. August, 1989, saw changes for savings and loan institutions when President George Bush signed into law the Financial Institution Reform, Recovery and Enforcement Act of 1989 (FIRREA). The new law meant that Capitol Federal deposits would no longer be insured by FSLIC but by the Federal Deposit Insurance Corporation (FDIC), through separate funds, SAIF or Savings Association Insurance Fund.

In May, 1990, two Capitol Federal ATMs opened—one in downtown Lawrence and a new drive-up facility at the College Boulevard office. Capitol Federal received final approval for its application for money from the Federal Home Loan Bank's Affordable Housing Program and began accepting applications for the Program on November 1. Capitol Federal is an Association made up of people helping people fulfill the "American Dream of Home Ownership." Capitol Federal and its people have made a "Commitment to Community," working to make life easier and to assure affordable housing for all. Whether the task is through civic and charitable organizations such as the United Way and American Cancer Society or housing related organizations such as The Kelly House, Mennonite Housing, Cornerstone, or our own affordable housing programs, Capitol Federal and its people will continue to seek out and meet the needs of the communities they serve.

Capital Federal acquired the Mid Kansas Savings and Loan Association Wichita branch at 4000 East Harry at the close of business on February 15, 1991.

In September, 1992, the Wichita downtown location transferred to 301 North Main, Epic Center. With this move, the Administrative and Human Resources departments, which had been located at the 8040 East Douglas office, now became headquartered on the fourth floor of the downtown office. A retail office and an ATM are located on the first floor.

Five years (1987–1992) of depressed savings and loan operations and adverse publicity for the thrift business actually resulted in the best of years for Capitol Federal. Both assets and deposits grew by more than 50% during the period. Capital of nearly $400 million and capital ratio of 10% positioned Capitol Federal for success and prosperity to the year 2000 and beyond. In 1992, assets surpassed the $3.9 billion mark and a new record for annual earnings was established.

Traditional thrifts continued to be successful and remained committed to core retail deposits and residential lending . . . both trademarks at Capitol Federal. The well-managed institutions followed a low risk game plan that maximized the chances for survival and longer term prosperity.

On the threshold of Century II, Capitol Federal has grown from an Association of $3,000 in assets in 1893 to one of almost $4 billion in 1993. Current deposits are at $3.4 billion and mortgage loans total $3 billion. With capital of $438 million (11.09% of assets), Capitol Federal grows and prospers today as a strong financial institution maintaining its healthy capital position well above industry averages and greater than the new minimum standards established by the Office of Thrift Supervision (OTS) to assure the safety and soundness of the entire thrift business.

Capitol Federal remains faithful to its chartered responsibilities through commitment to financial strength and safety. The Association stands ready in its pledge to assist people in residential real estate lending and retail banking services and to meet the opportunities and challenges of its second century and the year 2000 and beyond.

Capitol Federal Savings and Loan Association of Topeka 1993 Board of Directors: J.H. Abrahams, Advisory Director; B.B. Andersen; John B. Dicus, Executive Vice President; John C. Dicus, Chairman and President; Robert B. Maupin, Retired Senior Executive Vice President; Carl W. Quarnstorm; Frederick P. Reynolds; and Marilyn Ward.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Madam President, I rise today in my continuing effort to profile Michigan citizens who are facing a problem with our current health care system. I welcome my colleague, Senator DODD, who will share a story from his home State of Connecticut.

I want to tell the story of Jennifer Linn, a 23-year-old uninsured college student from my hometown of Flint. Earlier this week I spoke with Jennifer about her situation at a health care discussion at Hurley Medical Center in Flint. Because Jennifer is uninsured, she delayed seeking appropriate treatment for a medical condition diagnosed last summer. As a result the condition got worse and required emergency surgery and services that cost far more than the initial treatment would have.

Two years ago, Jennifer left a full-time job that offered little opportunity for advancement, to go to college to gain the skills necessary for a good professional job. She had health insurance through her job but lost it when she quit to go to school.

Jennifer is now a full-time student at Baker College in Flint where she is working toward a degree in surgical technology. As a full-time student who can only work in the summer, her income is limited, so she is unable to afford the cost of health insurance on her own. Although her income is low, Jennifer does not qualify for Medicaid coverage because she does not meet additional eligibility requirements such as being pregnant or having a disability.

In July of this year, Jennifer developed a very painful kidney stone. Jennifer delayed getting treatment for this condition because she had no health insurance to cover the cost of the recommended surgery. Unfortunately, the kidney stone became so large that her kidney stopped functioning and she was rushed to the hospital for emergency surgery. After 6 days in the hospital and two surgeries, the kidney stone was removed. The cost of Jennifer's treatment was over $16,000. She can't afford to pay these medical bills until she finishes school and begins her career.

Jennifer is frustrated that she is unable to find affordable health insurance while she is trying to educate herself and move out of the minimum wage job market.

Young people in America deserve to have access to affordable health care coverage to help them get health care when they need it and protect them from financially damaging illnesses that could cripple their future. I will continue to do all I can to work with my colleagues and President Clinton and Hillary Rodham Clinton to reform our health care system and provide access to affordable health care coverage for all Americans.

THE RETIREMENT OF REAR ADM. WILLIAM L. SCHACHTE, THE ACTING JUDGE ADVOCATE OF THE NAVY

Mr. THURMOND. Madam President, I rise to recognize the dedication, public service, and patriotism of Rear Adm. William L. Schachte, Jr., the Acting Judge Advocate General of the Navy. Admiral Schachte retires from the Navy on October 1 after a distinguished 30-year career.

Admiral Schachte was born and raised in Charleston, SC and is a third generation graduate of Clemson University. After being commissioned as an ensign at officer candidates' school in 1964, Admiral Schachte volunteered for combat duty in Vietnam where he

served as the officer in charge of a SWIFT boat operating out of Cam Ranh Bay. He participated in 99 combat missions from January through December 1968.

Following his return from Vietnam, Admiral Schachte earned a law degree from the University of South Carolina in 1973. He obtained a masters of laws degree with honors in international law from the George Washington University in 1979.

Admiral Schachte is a noted expert in international law and law of the sea issues. He served as the Deputy Assistant Judge Advocate General for International Law and was appointed by the Secretary of Defense as the DOD representative for ocean policy affairs. In this capacity, he represented both the Secretary of Defense and the Joint Chiefs of Staff. Additionally, he served as a member of the U.S. delegation to the U.N. Conference on the Law of the Sea. Admiral Schachte's inspiring leadership, operational knowledge, diplomatic acumen, and strategic vision preserved and promoted our Nation's operational freedoms in the maritime environment.

In November 1988, Admiral Schachte was promoted to rear admiral and since his promotion has served as the commander, Naval Investigative Service Command, as a Deputy Judge Advocate General, and, finally as commander of the Naval Legal Service Command. As head of the Naval Legal Service Command, he supervised the provision of military counsel, legal assistance, and claims services to the fleet, all service members and their dependents. His leadership in this area was essential to maintaining the good order, morale, and discipline of our sailors and marines.

Since the fall of 1992, Admiral Schachte has directed all uniformed lawyers in the sea services and has been the legal advisor to the top civilian and military leadership of the Department of the Navy as the Acting Judge Advocate General. As such, he has been at the forefront of the most pressing issues affecting our Nation and the military today.

Admiral Schachte's honors include—the Defense Distinguished Medal; the Defense Superior Service Medal; the Legion of Merit with Gold Star; the Bronze Star with "V"; Combat Action Ribbon; and the Meritorious Service Medal with Gold Star.

Mr. President, our Nation, his wife Carmen, and sons, Bill and David, can be proud of the admiral's many accomplishments. I wish Admiral Schachte and his family best wishes in his retirement.

TRIBUTE TO MAKAZA KUMANYIKA

Mr. LAUTENBERG. Madam President, I rise today to commend the achievements of an outstanding New Jerseyite, Makaza Kumanyika of East Orange.

An original freedom fighter in the civil rights struggle, Makaza Kumanyika's work with Dr. Martin Luther King, Jr., inspired him to dedicate the rest of his life to furthering the social, educational, cultural, and economic quality of life for people of color.

Makaza has always believed that actions speak louder than words, and while others publicly bemoaned the problem of increasing homelessness in the mid-1980's, Makaza founded Isaiah House, the first shelter for homeless families in suburban Essex County. Thanks to his efforts, hundreds of New Jersey families were able to find homes, jobs, and hope.

Makaza believes that those with the God-given talent and ability to foster change have a special obligation to help others, and he has always given his time willingly and unselfishly. A cofounder of the Urban Center for Public/Private Partnerships, he has also devoted himself to the Chad Science Academy in Newark, the Irvington Neighborhood Development Corp., the city of East Orange Clean and Green Center, and many other community organizations.

Quietly and without fanfare, working tirelessly within his own community, Makaza Kumanyika developed an international reputation as one who epitomized the spirit of the human and civil rights movements. He deserves our respect and admiration.

I join with the thousands of people whose lives he has touched to honor Makaza Kumanyika.

THE 350TH LANDING CELEBRATION IN ROSLYN

Mr. D'AMATO. Madam President, I rise today to pay tribute to the historic village of Roslyn, Long Island, NY, as it begins it's official "350th Landing Celebration." For it was in 1643 that John Carman and Robert Fordham were looking for a favorable place to settle when they came upon, what is now, the village of Roslyn; 350 years later, on Sunday, October 3, 1993, Mayor Pasnik and the entire village of Roslyn will celebrate this momentous occasion with appropriate fanfare and festivities.

A monumental celebration of this nature provides a golden opportunity to look back on the protracted history of one of the many great villages in our country. As we look back through the decades at Roslyn we see that the area was originally referred to as Head of the Harbor; and later, Hempstead Harbor. However, confusion at the post office led a committee of local citizens to seek out a new name for the village. On September 7, 1844, Hempstead Harbor was renamed Roslyn, which it is called to this day. It is interesting to note that one of the members on the name selecting committee was William Cullen Bryant, who moved to Roslyn in 1843 and remained for a number of years in the area.

The 18th century was marked by the opening of mills—grist and paper—and visits from such notable persons as George Washington and Bishop Francis Asbury. The 19th century was marked by the establishment of the Methodist Episcopal Meeting House, the Roslyn Presbyterian Church, and St. Mary's Catholic Church. During that period, the Long Island Rail Road and the North Hempstead Gazette came to Roslyn. Also the Rescue Hook and Ladder Company No. 1, the Village School, and the New York Telephone Co. office were established. In 1895 the Roslyn Clock Tower was built and on February 1, 1900, the Roslyn Light & Power Co. was established.

The 20th century has proved to be prosperous for Roslyn with the beginning of the high and junior high school, savings bank, water district, Neighborhood House, Nassau County Police Department, and Temple Sinai. By 1958, the Long Island Expressway reached Roslyn.

Today, if you visit Roslyn you will see that it is one of hundreds of pretty and quaint villages across our great Nation with a very visible history. The village of Roslyn, NY has bloomed, blossomed, and flowered into a viable community that has been shaped and reshaped by many individuals collectively contributing to many historical watersheds that have endowed Roslyn with much more than were survival.

Mr. President, I ask my colleagues in the Senate to join me in honoring the great history of Roslyn village. As a Senator from New York, I am proud to represent Roslyn. It is the good people of Roslyn who make up the very fabric of our American life and history. It is only right that we acknowledge the value of our history as exemplified by this American village. I salute the village of Roslyn and congratulate them on their special anniversary.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that on Monday, September 20 at 2 p.m., the Senate proceed to the consideration of Calendar No. 170, Senate Joint Resolution 114, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; and that the statutory time limitation be reduced to 1 hour, with the time equally divided and controlled between Senators NUNN and FEINSTEIN or their designees; that at 3 p.m., Monday, Senate Joint Resolution 114 be laid aside and the Senate then proceed to the consideration of Calendar No. 194, H.R. 2491, the VA/HUD appropriations bill; that at 6 p.m., the Senate return to

Senate Joint Resolution 114, and without intervening action or debate, the Senate proceed to vote on Senate Joint Resolution 114, and that upon disposition of Senate Joint Resolution 114, the Senate resume consideration of H.R. 2491.

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

COMMENDING JOHAN JORGEN HOLST OF NORWAY FOR HIS CONTRIBUTION TO PEACE IN THE MIDDLE EAST

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 144, submitted earlier today by Senator MOSELEY-BRAUN, a resolution to commend Johan Jorgen Holst of Norway for his contribution to peace in the Middle East; that the resolution be agreed to, the motion to reconsider laid upon the table; and the preamble agreed to; further that any statements relative to this measure appear at an appropriate place in the RECORD.

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

The resolution (S. Res. 144), with its preamble, is as follows:

S. RES. 144

Whereas the Government of Norway of Gro Harlem Brundtland has worked assiduously to develop relationships with the Government of Israel and the Palestine Liberation Organization;

Whereas Foreign Minister Holst personally mediated negotiations between Palestine Liberation Organization Chairman Yasser Arafat and Israeli Foreign Minister Shimon Peres which facilitated mutual recognition and hope for a political solution to the problems of the Middle East;

Whereas many of the meetings were held in the familiar environment of the Foreign Minister's private home so that decades of hostility and suspicion might be overcome;

Whereas Mr. Holst created a channel "behind the scenes" which complemented the official negotiating channel established by the Madrid Process;

Whereas Mr. Holst was able to recognize new opportunities and seize them;

Whereas Mr. Holst has served in the Government of Norway as both Foreign Minister and Defense Minister for the Labor Governments of Prime Minister Gro Harlem Brundtland; and

Whereas Mr. Holst is an expert in security issues and has studied in the United States at Columbia University and has been a research associate at Harvard's Center for International Affairs: Now, therefore, be it

Resolved, That the Senate—

(1) commends Foreign Minister Holst for his vital contribution to the negotiations between the Government of Israel and the Palestine Liberation Organization; and

(2) honors Mr. Holst and the Government of Norway for their contribution to peace in the Middle East.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Norway.

COMMENDING JOHAN JORGEN HOLST OF NORWAY FOR HIS CONTRIBUTION TO PEACE IN THE MIDDLE EAST

Ms. MOSELEY-BRAUN. Madam President, I am submitting a resolution honoring Foreign Minister Johan Jorgen Holst and the Government of Norway for their contributions to peace in the Middle East.

Yesterday, we witnessed a truly historic event—one that I could only dream I would see in my lifetime. Israeli Prime Minister Yitzhak Rabin and Palestine Liberation Organization Chairman Yasser Arafat stood together and pledged themselves to peace. It makes one think that anything is possible.

This agreement might never have come to fruition if not for the diplomatic skill and patience of Johan Jorgen Holst, the Foreign Minister of Norway.

The Norwegian Labor Party, under Prime Minister Gro Harlem Bruntland, has long had good relations with the Israeli Labor Party and its leadership, Yitzhak Rabin and Shimon Peres. In 1988, Norway began funding an academic study of living conditions on the West Bank. This study, done by the Norwegian Trade Union Center for Social Science and Research, established relationships with Israeli and Palestinian institutions on the West Bank, and the PLO.

Mr. Holst was able to step in as a facilitator of negotiations because trust had been built between both the Government of Israel and Norway, and the PLO and Norway.

Many of the negotiating sessions were held in Mr. Holst's private home to encourage an environment of familiarity which helped overcome years of mutual hostility and suspicion.

Mr. Holst's secret diplomacy created a behind the scenes negotiating process that complemented the formal Madrid Process begun in 1991 by President Bush.

Many people over many years have worked to bring peace to the Middle East. But I believe it is important to honor Foreign Minister Holst and the Government of Norway for their leadership, for their courage, and for their great success in bringing Israel and the Palestine Liberation Organization together, and for bringing so much hope to so many in the Middle East.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 340. Richard Holbrooke, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany;

Calendar 341. William Green Miller, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine;

Calendar 342. Reginald Bartholomew, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy;

Calendar 343. Richard N. Gardner, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain;

Calendar 344. Gordon D. Giffin, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993; and

Calendar 345. Gordon D. Giffin, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

I further ask unanimous consent that the Senate proceed to immediate consideration, and that the nominees be confirmed, en block, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Richard Holbrooke, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

William Green Miller, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Reginald Bartholomew, of the District of Columbia, a Career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

Richard N. Gardner, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Gordon D. Giffin, of Georgia, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993, vice Evan Griffith Galbraith, term expired.

Gordon D. Giffin, of Georgia, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996. (Reappointment)

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The text of the bill (S. 1298) to authorize appropriations for fiscal year

1994 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 passed by the Senate on September 14, 1993, is as follows:

S. 1298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Modified M113 carriers and AGT-1500 turbine engines.
Sec. 112. Nuclear, biological, and chemical protective masks.
Sec. 113. Chemical agent monitoring program.
Sec. 114. Close tactical trainer quickstart program.

Subtitle C—Air Force Programs

Sec. 121. Modernization of the heavy bomber force.
Sec. 122. B-2 bomber aircraft program.
Sec. 123. Access by Comptroller General to information on heavy bomber programs.
Sec. 124. C-17 aircraft program.
Sec. 125. Joint primary aircraft training system.
Sec. 126. Solid rocket motor upgrade program.
Sec. 127. Live-fire survivability testing of the C-17 aircraft.

Subtitle D—Other Programs

Sec. 131. ALQ-135 jammer device.
Sec. 132. Funding for certain tactical intelligence programs.
Sec. 133. Global Positioning System.
Sec. 134. Sense of Congress on expediting sealift procurement.
Sec. 135. Permanent authority to carry out AWACS memoranda of understanding.
Sec. 136. Ring laser gyro navigation systems.
Sec. 137. Operational support aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Strategic Environmental Research and Development Program.
Sec. 204. Funding for defense conversion and reinvestment research and development programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Kinetic Energy Antisatellite Program.
Sec. 212. Javelin missile program.
Sec. 213. Plan for testing new electronic countermeasures system for B-1B bombers.
Sec. 214. Space launch plan.
Sec. 215. Medical countermeasures against biowarfare threats.
Sec. 216. Baseline report for the Arrow tactical ballistic missile defense system.
Sec. 217. Limitations regarding federally funded research and development centers.

Subtitle C—Missile Defense Programs

Sec. 221. Revision of the Missile Defense Act of 1991.
Sec. 222. Funding of certain ballistic missile defense programs.
Sec. 223. Requirement for review of ballistic missile defense systems and components for compliance with ABM Treaty.
Sec. 224. Theater missile defense master plan.
Sec. 225. Extension of authority for transfer of responsibility for far-term follow-on technologies.
Sec. 226. Report on acquisition streamlining to accelerate deployment of initial ABM system.
Sec. 227. Funding for ballistic missile defense programs.
Sec. 228. Testing of national missile defense program projects.

Subtitle D—Other Matters

Sec. 231. Nuclear testing.
Sec. 232. One-year delay in transfer of management responsibility for naval mine countermeasures program to the Director, Defense Research and Engineering.
Sec. 233. Termination, reestablishment, and reconstitution of an advisory council on semiconductor technology.
Sec. 234. Authority to acquire Navy large cavitation channel, Memphis, Tennessee.
Sec. 235. Strategic Environmental Research Council.
Sec. 236. Sense of the Senate on metalcasting industry.
Sec. 237. Interim reconnaissance program.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

Sec. 241. Short title.
Sec. 242. Sense of Congress.
Sec. 243. Joint Committee for Review of Nonproliferation Programs of the United States.
Sec. 244. Report on nonproliferation and counterproliferation activities and programs.
Sec. 245. Definitions.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Funding national defense strategic lift requirements.
Sec. 304. Armed Forces Retirement Home.
Sec. 305. National Security Education Trust Fund obligations.
Sec. 306. Transfer authority.
Sec. 307. Funds for clearing landmines.

Subtitle B—Defense Business Operations Fund

Sec. 311. Extension of authority for use of the Defense Business Operations Fund.
Sec. 312. Implementation of the Defense Business Operations Fund.
Sec. 313. Limitation on obligations against the Defense Business Operations Fund.

Subtitle C—Environmental Provisions

Sec. 321. Authority for military departments to participate in water conservation programs.
Sec. 322. Clarification of authority for energy conservation programs at military installations.
Sec. 323. Clarification of funding for environmental restoration activities at installations to be closed or realigned.
Sec. 324. Annual report on environmental restoration activities of the Department of Defense.
Sec. 325. Extension of period of applicability of requirement for reimbursement of the Federal government for certain liabilities arising under contracts relating to hazardous waste.
Sec. 326. Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense.
Sec. 327. Clarification of scope of indemnification of transferees of closing defense property.
Sec. 328. Shipboard plastic and solid waste control.

Subtitle D—Other Matters

Sec. 331. Repeal of an exception to a limitation on the performance of depot-level maintenance of materiel.
Sec. 332. Maintenance and repair of Pacific battle monuments.
Sec. 333. Purchase of items not exceeding $100,000.
Sec. 334. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 335. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense.
Sec. 336. Promotion of civilian marksmanship.
Sec. 337. Amendments regarding pilot program to use National Guard personnel in medically underserved communities.
Sec. 338. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 339. Annual assessment of force readiness.
Sec. 340. Budget information on Department of Defense recruiting expenditures.

Sec. 341. Revision of authorities on National Security Education Trust Fund.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variation of permanent end strength limitations for certain grades of officers in the Marine Corps.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserve components.
Sec. 413. Temporary variation of permanent end strength limitations for Air Force personnel serving on active duty in certain grades in support of the reserve components.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Award of constructive service credit for advanced education in a health profession.
Sec. 502. Original appointment as regular officers certain reserve officers in health professions.
Sec. 503. Temporary authority for involuntary separation of certain regular warrant officers.
Sec. 504. Two-year extension of authority for temporary promotions of certain Navy lieutenants.

Subtitle B—Reserve Components

Sec. 511. Limited delegation of Presidential authority to order Selected Reserve to active duty.
Sec. 512. Two-year extension of certain reserve officer management authorities.
Sec. 513. Consistency of treatment of National Guard technicians and other members of the National Guard.
Sec. 514. Exception to requirement for 12 weeks of basic training.
Sec. 515. National Guard management initiatives.
Sec. 516. Frequency of physical examinations of members of the Ready Reserve.

Subtitle C—Service Academies

Sec. 521. Congressional nominations.
Sec. 522. Graduation leave.
Sec. 523. Management of faculties.

Subtitle D—Force Reduction Transition

Sec. 531. Teacher and teacher aide program for separated members of the Armed Forces.
Sec. 532. Extension of personnel management and benefits transition authorities.
Sec. 533. Technical and conforming amendments relating to transition authorities.

Subtitle E—Other Matters

Sec. 541. Assignments of women members of the Armed Forces.
Sec. 542. Reduction in the maximum number of years to be on temporary disability retired list.
Sec. 543. Clarification of punitive UCMJ article regarding drunken driving.
Sec. 544. Authority to reduce active duty service obligation incurred in connection with advanced education assistance.
Sec. 545. Award of Purple Heart to members killed or wounded in action by friendly fire.
Sec. 546. Policy concerning homosexuality in the Armed Forces.
Sec. 547. Employment of retired members by foreign governments.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1994.

Subtitle B—Bonuses, Special Pay, and Incentive Pay

Sec. 611. Modification of authority relating to payment of certain Selected Reserve bonuses.
Sec. 612. Extension of authority relating to payment of certain bonuses, payment of other special pay, and repayment of certain education loans.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Reimbursement of temporary lodging expenses.
Sec. 622. Treatment of advance pay paid to members evacuated from Homestead Air Force Base.

Subtitle D—Matters Related to Retired Pay and Separation Benefits

Sec. 631. Special pay for certain disabled members.
Sec. 632. Standardization of minimum service requirement for eligibility for certain separation benefits.
Sec. 633. Expansion of eligibility for certain separation benefits.
Sec. 634. Applicability to Coast Guard Reserve of certain reserve components transition initiatives.

Subtitle E—Benefits for Former POWs and Other Members Held Captive

Sec. 641. Permanent authority for claims by former prisoners of war based on violations of Geneva Conventions.
Sec. 642. Members eligible for benefits when held captive by terrorists.

Subtitle F—Other Matters

Sec. 651. Authority to limit direct payment of pay and allowances to certain members during war, hostilities, or national emergency.
Sec. 652. Losses incurred and gains realized in connection with housing members in private housing abroad.
Sec. 653. Postponement of performance of certain tax-related acts for certain persons serving in contingency operations.
Sec. 654. Benefits for dependents of members of the Armed Forces pending loss of right to retired pay as a result of a court-martial.
Sec. 655. Sense of Senate relating to excess leave and permissive temporary duty for certain members of the Armed Forces.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Extension and revision of specialized treatment facility program authority.
Sec. 702. Codification of CHAMPUS Peer Review Organization program procedures.
Sec. 703. Flexible deadline for commencement of CHAMPUS Reform Initiative in Hawaii and California.
Sec. 704. Delay of termination of status of certain facilities as uniformed services treatment facilities.
Sec. 705. Exclusion of experienced military physicians from medicare definition of new physician.
Sec. 706. Enrollment in the dependents' dental program by certain members returning from overseas assignments.
Sec. 707. Sense of Senate on the provision of adequate medical care to military retirees.
Sec. 708. Independent study of conduct of medical study by Arctic Aeromedical Laboratory, Ladd Air Force Base, Alaska.

TITLE VIII—ACQUISITION POLICY

Subtitle A—Defense Technology and Industrial Base, Reinvestment, and Conversion

Sec. 801. Manufacturing Science and Technology Program.
Sec. 802. University Research Initiative Support Program.
Sec. 803. Operating Committee of the Critical Technologies Institute.
Sec. 804. Targeting defense conversion funds.
Sec. 805. Small business participation.

Subtitle B—Acquisition Assistance Programs

Sec. 811. Contract goal for disadvantaged small businesses and certain institutions of higher education.
Sec. 812. Procurement technical assistance programs.
Sec. 813. Pilot Mentor-Protege Program funding and improvements.

Subtitle C—Other Matters

Sec. 821. Reimbursement of indirect costs of institutions of higher education under Department of Defense contracts.
Sec. 822. Prohibition on purchase of United States defense contractors by entities controlled by foreign governments.
Sec. 823. Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government.
Sec. 824. Reports by defense contractors on dealings with terrorist countries and nationals of terrorist countries.
Sec. 825. Department of Defense purchases through other agencies.
Sec. 826. Authority of the Advanced Research Projects Agency to carry out certain pilot demonstration projects and prototype projects.
Sec. 827. Improvement of pricing policies for use of major range and test facility installations of the military departments.

Subtitle D—Defense Acquisition Pilot Program

Sec. 831. Defense acquisition pilot program amendments.
Sec. 832. Reference to defense acquisition pilot program.
Sec. 833. Mission oriented program management.
Sec. 834. Savings objectives.
Sec. 835. Program phases and phase funding.
Sec. 836. Program work force policies.

Sec. 837. Efficient contracting processes.
Sec. 838. Contract administration: Performance based contract management.
Sec. 839. Contractor performance assessment.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Assistant Secretary of Defense for Legislative Affairs.
Sec. 902. Responsibilities of the Comptroller of the Department of Defense.
Sec. 903. Repeal of termination of requirement for a Director of Expeditionary Warfare.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Revision of date for submittal of joint report on scoring of budget outlays.
Sec. 1003. Discretionary authority of the Comptroller General to conduct annual audits of the acceptance by the Department of Defense of property, services, and contributions.

Subtitle B—Fiscal Year 1993 Authorization Matters

Sec. 1011. Authority for obligation of certain unauthorized fiscal year 1993 defense appropriations.
Sec. 1012. Limitation on obligation for certain unauthorized appropriations.
Sec. 1013. Use of fiscal year 1993 Air Force aircraft procurement funds for higher priority programs.
Sec. 1014. Supplemental authorization of appropriations for fiscal year 1993.

Subtitle C—Joint Officer Personnel Matters

Sec. 1021. Joint officer personnel policy.
Sec. 1022. Joint duty credit for certain duty performed during Operations Desert Shield and Desert Storm.

Subtitle D—Matters Relating to Reserve Components

Sec. 1031. Review of Air Force plans to transfer heavy bombers to reserve components units.
Sec. 1032. Requirement for transfer of air refueling aircraft to reserve components of the Air Force.

Subtitle E—International Peacekeeping Activities

Sec. 1041. General authorization of support for international peacekeeping activities.
Sec. 1042. Report on multinational peacekeeping and peace enforcement.

Subtitle F—Matters Relating to Allies and Other Nations

Sec. 1051. Burden sharing contributions by Japan, Kuwait, and the Republic of Korea.
Sec. 1052. Defense conversion and reinvestment; export loan guarantees.
Sec. 1053. Findings regarding defense cooperation between the United States and Israel.
Sec. 1054. Defense burdensharing.

Subtitle G—Other Matters

Sec. 1061. Additional support for counterdrug activities.
Sec. 1062. Report on personnel requirements for control of transfer of certain weapons.
Sec. 1063. National Guard Civilian Youth Opportunities Pilot Program amendments.
Sec. 1064. Civilian faculty of the George C. Marshall European Center for Security Studies.
Sec. 1065. Administrative improvements in Goldwater Scholarship and Excellence in Education Program.
Sec. 1066. U.S.S. Indianapolis Memorial, Indianapolis, Indiana.
Sec. 1067. Involvement of Armed Forces in Somalia.
Sec. 1068. Sense of the Congress regarding establishment of an Office of Economic Conversion information within the Department of Commerce.
Sec. 1069. Transfer of obsolete destroyer tender Yosemite.
Sec. 1070. Transportation of cargoes by water.
Sec. 1071. Burial of remains at Arlington National Cemetery.
Sec. 1072. Sense of the Congress regarding the justification for continuing the extremely low frequency communication system.
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Sec. 1101. Short title.
Sec. 1102. Findings on cooperative threat reduction.
Sec. 1103. Authority for programs to facilitate cooperative threat reduction.
Sec. 1104. Funding for fiscal year 1994.
Sec. 1105. Prior notice to Congress of obligation of funds.
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DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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TITLE XXII—NAVY

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Sec. 2402. Energy conservation projects.
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Sec. 2838. Conveyance of radar bomb scoring site, Conrad, Montana.
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Sec. 2904. Authority to transfer property at closed or realigned installations to affected communities and States.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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Sec. 3131. Use of funds for payment of penalty assessed against Hanford project.
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TITLE XXXII—NUCLEAR SAFETY

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TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

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Sec. 3301. Disposal of obsolete and excess materials contained in the National Defense Stockpile.
Sec. 3302. Revision of authority to dispose of certain materials authorized for disposal in fiscal year 1993.
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TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
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Sec. 3504. Employment of commission employees by the Government of Panama.
Sec. 3505. Labor-management relations.
Sec. 3506. Effective date.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,249,539,000.

(2) For missiles, $1,083,810,000.

(3) For weapons and tracked combat vehicles, $1,009,679,000.

(4) For ammunition, $621,049,000.

(5) For other procurement, $2,864,575,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $5,755,166,000.

(2) For weapons, $3,000,614,000.

(3) For shipbuilding and conversion, $4,264,647,000.

(4) For other procurement, $2,820,931,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $480,521,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

(1) For aircraft, $4,041,664,000.

(2) For missiles, $4,245,404,000.

(3) For other procurement, $7,610,888,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Agencies in the amount of $2,044,971,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Inspector General of the Department of Defense in the amount of $600,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $85,000,000.

(2) For the Air National Guard, $285,000,000.

(3) For the Army Reserve, $65,000,000.

(4) For the Naval Reserve, $55,000,000.

(5) For the Air Force Reserve, $50,000,000.

(6) For the Marine Corps Reserve, $20,000,000.

(7) For reserve component simulation equipment, $75,000,000.

(8) For National Guard aircraft replacement and modernization, $150,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1994, $442,947,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

Subtitle B—Army Programs

SEC. 111. MODIFIED M113 CARRIERS AND AGT-1500 TURBINE ENGINES.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated in section 101, funds are authorized to be appropriated for the Army for procurement of modified M113 carriers and AGT-1500 turbine engines in the amount of $148,000,000.

(b) LIMITATION.—None of the funds appropriated pursuant to the authorization in subsection (a) may be obligated during fiscal year 1994.

SEC. 112. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTECTIVE MASKS.

Of the unobligated balance of the funds appropriated for the Army for fiscal year 1993 for other procurement, $9,300,000 shall be available, to the extent provided in appropriations Acts, for procurement of M40/M42 nuclear, biological, and chemical protective masks.

SEC. 113. CHEMICAL AGENT MONITORING PROGRAM.

Funds appropriated for the Army for fiscal year 1993 for other procurement may not be obligated after the date of the enactment of this Act for the Improved Chemical Agent Monitor (ICAM) program.

SEC. 114. CLOSE TACTICAL TRAINER QUICKSTART PROGRAM.

Authority to reprogram funds for the Close Combat Tactical Trainer Quickstart Program. Subject to existing reprogramming procedures, the Secretary of the Army is authorized to reprogram funds in fiscal year 1994 to procure long lead component hardware items to accelerate the Close Combat Tactical Trainer Quickstart Program.

Subtitle C—Air Force Programs

SEC. 121. MODERNIZATION OF THE HEAVY BOMBER FORCE.

(a) FUNDING.—Of the amount authorized to be appropriated under section 103—

(1) not more than $37,400,000 shall be available for procurement of B-52 bomber aircraft; and

(2) not more than $177,355,000 shall be available for the B-1B bomber aircraft program.

(b) LIMITATIONS ON FUNDING.—Of the total amount made available pursuant to subsection (a) for the programs referred to in such subsection—

(1) none of such amount may be obligated or expended until all of the requirements set forth in section 152 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2340) have been met; and

(2) not more than 50 percent of such amount may be expended before the commencement of flight testing in accordance with the test plan required by section 152(a) of such Act.

SEC. 122. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Subject to subsection (b), of the amount appropriated to the Air Force pursuant to section 103(1) for fiscal year 1994 for procurement of aircraft, not more than $626,200,000 may be obligated for the B-2 bomber aircraft program.

(b) LIMITATIONS ON OBLIGATION.—(1) None of the funds made available for fiscal year 1994 for the B-2 bomber aircraft program may be obligated until the Secretary of Defense has submitted to the congressional defense committees the certifications and reports described in section 151(d)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2339).

(2) Of the unobligated balances of funds authorized to be appropriated for procurement of B-2 aircraft for fiscal years 1992, 1993, and 1994, none of such funds may be obligated until—

(A) the Secretary of the Air Force—

(i) has entered into a definitized production contract with the prime contractor for air vehicles 17 through 21; or

(ii) has submitted to the congressional defense committees a report setting forth the reasons that a definitized contract cannot be entered into; and

(B) the Secretary of Defense has submitted to such committees a certification that the Department of the Air Force is in full compliance with the B-2 correction-of-deficiency requirements set forth in section 117(d) of Public Law 101-189 (103 Stat. 1376) in all aspects of deficiency correction.

(c) TOTAL PROGRAM LIMITATIONS.—(1) Notwithstanding any other provision of law, funds available for the Department of Defense pursuant to authorizations of appropriations in this or any other Act may not be expended for acquisition of more than 20 fully operational B-2 bomber aircraft that meet the Block 30 requirements (as defined by the Secretary of the Air Force as of August 1, 1993), plus one test aircraft.

(2) The total amount obligated on or after the date of the enactment of this Act for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the 20 B-2 bomber aircraft (and the one test aircraft) referred to in paragraph (1) and for paying the costs associated with termination of the B-2 bomber aircraft program upon completion of the acquisition of such 20 aircraft (and the one test aircraft) may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(3) The Congress declares that it will consider enacting legislation to increase the

amount of the limitation specified in paragraph (2) if—

(A) for any fiscal year beginning after September 30, 1994, the Secretary of Defense has requested funds for the B-2 bomber aircraft program in the documents submitted to Congress by the Secretary in connection with the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, for that fiscal year;

(B) obligation of the total amount of the funds so requested would not have violated the limitation; and

(C) the requested funds—

(i) have not been made available for such fiscal year as requested; or

(ii) have been made available for such fiscal year but have not been obligated in such fiscal year by reason of any limitation or restriction on the obligation of such funds that is contained in an Act enacted after the date of the enactment of this Act.

SEC. 123. ACCESS BY COMPTROLLER GENERAL TO INFORMATION ON HEAVY BOMBER PROGRAMS.

The Secretary of Defense shall take all actions that are necessary to ensure that the Comptroller General of the United States and employees of the General Accounting Office designated by the Comptroller General have full, free, and prompt access to data, reports, and analyses generated by or on behalf of the Department of the Air Force (including by Air Force contractors) that relate to operation, maintenance, repair, and modernization of heavy bombers, and the plans of the Air Force for operation, maintenance, repair, and modernization of heavy bombers in the future.

SEC. 124. C-17 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of C-17 aircraft until—

(1) all limitations and requirements set forth in subsections (b), (c), (d), (f), and (g) of section 134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2335) are satisfied; and

(2) the Secretary of Defense submits to the congressional defense committees a report on the C-17 acquisition program that contains—

(A) the results of the special Defense Acquisition Board review of the program;

(B) a discussion of the corrective actions to be taken by the Air Force with regard to such program;

(C) a discussion of the corrective actions to be taken by the contractor with regard to such program; and

(D) the findings and recommendations of the special Defense Science Board group resulting from the investigation of the program by that group.

(b) FISCAL YEAR 1995 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1995 that are made available for the C-17 aircraft program (other than funds for advance procurement) may be obligated before the Secretary of Defense submits to the congressional defense committees a report containing a review of the airlift requirements of the Armed Forces. The review shall—

(1) be based on an analysis by a federally funded research and development center; and

(2) reflect consideration of—

(A) the changes in total airlift requirements resulting from the disintegration of the Warsaw Pact and Soviet Union that eliminate any major trans-Atlantic airlift requirement for Europe;

(B) the change in airlift requirements from requirements for airlift of large quantities of outsize cargo for reinforcement of the North Atlantic Treaty Organization (NATO) forces to requirements for airlift in connection with such lesser regional contingencies and humanitarian operations as Operation Desert Shield, Operation Desert Storm, and Operation Restore Hope;

(C) the potential contribution that planned strategic sealift improvements can make toward—

(i) reducing the total demand for airlift; and

(ii) changing the type of cargo that airlift aircraft must carry;

(D) the declining demand for conducting airlift operations in austere airfield environments; and

(E) the trade-off between purchasing the type of additional capability that the C-17 aircraft can provide and purchasing and employing additional support equipment that would increase the cargo airlift capability of commercial cargo aircraft.

(c) LIMITATION ON ACQUISITION OF MORE THAN 5 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce more than 5 C-17 aircraft until the program meets the following milestones:

(1) Clearance of flight envelope with respect to altitude and speed.

(2) Takeoff of aircraft at a gross weight of 580,000 pounds and 160,000 pounds payload within a critical field length of 8500 feet at sea level and 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Backing aircraft up a two degree slope with a gross weight of 510,000 pounds.

(4) Unassisted 180 degree turn of aircraft on a paved runway of load classification group IV in less than 90 feet, using three maneuvers.

(5) Completion of static article ultimate load (150 percent of design limit load) test condition S.P. 5030 for wing up bending.

(6) Completion of electromagnetic radiation, electromagnetic compatibility, and lightening tests.

(7) Low velocity air drop of 5,000-pound, 8-foot length platform.

(8) Sequential air drop of multiple simulated paratroop dummies from both paratroop doors.

(9) A minimum unit equivalent assembly rate of 6.0 assemblies per year, as measured by the ratio of annualized standard hours earned to that required to assemble one aircraft from the beginning of assembly to the completion of assembly prior to movement to the ramp at the prime contractor's facilities.

(10) For all aircraft scheduled for delivery in the prior 6-month period, delivery of each aircraft within one month of scheduled delivery date.

(d) LIMITATION ON ACQUISITION OF MORE THAN 8 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce more than 8 aircraft until the program meets the following additional milestones:

(1) Clearance of flight envelope with respect to loads.

(2) Estimate of payload meets 95 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(3) Operational clearance for aircraft to be air refueled from operational KC-10 and KC-135 aircraft at standard Air Force refueling speeds for the specific tanker in a single receiver formation.

(4) Demonstration of combat offload with two 463L pallets using the air delivery system rails.

(5) Airdrop of 70 paratroopers on one pass, using both paratroop doors.

(6) Low velocity air drop of 30,000-pound, 24-foot length platform.

(e) LIMITATION ON ACQUISITION OF MORE THAN 10 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce 11 or 12 aircraft until the program meets the following additional milestones:

(1) Estimate of payload meets 97.5 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(2) Landing of aircraft with a payload of 160,000 pounds and fuel necessary to fly 300 nautical miles on a 3,000-foot long, 90-foot wide, and load classification group IV runway at sea level, 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Low altitude parachute extraction system delivery of a 20,000-pound cargo.

(4) Simultaneous and sequential container delivery system airdrop of 30 bundles.

(5) Low velocity air drop of 42,000-pound platform.

(6) Satisfactory completion of one lifetime of testing of durability article.

(7) Air vehicle mean time between removal at cumulative flying hours to date of measurement indicates that the mature requirement established in the full-scale development contract will be met.

(f) FUNDING OUT OF NATIONAL DEFENSE STRATEGIC LIFT FUND.—Funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of the C-17 aircraft only in accordance with section 2218 of title 10, United States Code.

SEC. 125. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM.

No funds appropriated for the Department of Defense pursuant to an authorization contained in this Act or any Act enacted after the date of the enactment of this Act may be obligated or expended to procure Joint Primary Aircraft Training System aircraft until the Secretary of Defense certifies to the congressional defense committees that the cockpit and ejection seat of such aircraft have been designed for safe and effective operation of the aircraft and ejection system by at least 95 percent of the male pilot trainees and 95 percent of the female pilot trainees.

SEC. 126. SOLID ROCKET MOTOR UPGRADE PROGRAM.

(a) PROHIBITION ON USE OF FUNDS.—Funds appropriated to the Department of Defense may be used for implementing a supplemental agreement described in section 9164 of Public Law 102-396 only under the authorities in subsection (b).

(b) ACTIONS AUTHORIZED.—The Secretary of Defense may—

(1) restructure the provisions of contract F04701-85-C-0019 (hereafter in this subsection referred to as the "prime contract") and

enter into an agreement to reimburse the subcontractor for the Solid Rocket Motor Upgrade (SRMU) subcontract under such prime contract (hereafter in this subsection referred to as the "SRMU subcontractor") for the costs incurred by the subcontractor for development and tooling related to the subcontract;

(2) reimburse the SRMU subcontractor for working capital expenses related to the subcontract only after consultation with the Comptroller General of the United States regarding whether such expenses are allowable under applicable laws;

(3) settle claims arising from disputes between the SRMU subcontractor and prime contractor;

(4) transfer funds to reimburse the subcontractor in accordance with paragraphs (1), (2) and (3);

(5) if the Secretary enters into an agreement to pay the SRMU subcontractor in accordance with paragraphs (1), (2) and (3), take such actions as are necessary to ensure that competitive procedures are used for awarding contracts in any future procurements of solid rocket motors for the Titan IV launch system;

(6) take such actions as are necessary to reduce or eliminate concurrency in the Solid Rocket Motor Upgrade program;

(7) change the type of the subcontract used for the Solid Rocket Motor Upgrade production subcontract and adjust the ceiling price for the prime contract accordingly, but only with respect to the Solid Rocket Motor Upgrade production subcontract; and

(8) if the Secretary decides to reimburse the SRMU subcontractor for development costs, tooling, and claims resulting from the termination or modification of the subcontract, terminate the Solid Rocket Motor Upgrade production subcontract or modify such subcontract regarding the production quantities and production rates.

(c) RELATIONSHIP OF TRANSFER AUTHORITY TO OTHER TRANSFER AUTHORITY.—The authority provided in subsection (b)(4) is not in addition to any other transfer authority provided in this or any other Act.

SEC. 127. LIVE-FIRE SURVIVABILITY TESTING OF THE C-17 AIRCRAFT.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking out "for fiscal year 1993".

Subtitle D—Other Programs

SEC. 131. ALQ-135 JAMMER DEVICE.

Subsection 182(b)(2) of Public Law 101-510 is amended by striking out "meets or exceeds all operational criteria established for the program" and inserting in lieu thereof "is operationally effective and suitable".

SEC. 132. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

Notwithstanding the limitation in section 141 of Public Law 102-484 (106 Stat. 2338), funds authorized to be appropriated under such section are authorized to be made available for the following purposes:

(1) To complete EP-3 Aries conversion-in-lieu-of-procurement for the remainder of the EP-3 Aries aircraft fleet.

(2) To upgrade communications of the EP-3 Aries aircraft fleet to permit dissemination of collected data.

(3) To complete standardization of the RC-135 Rivet Joint aircraft fleet to Block III Baseline 6 configuration.

SEC. 133. GLOBAL POSITIONING SYSTEM.

(a) PROGRAM STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study to be conducted on the management and funding of the Global Positioning System program for the future.

(2) With the agreement of the National Academy of Sciences and the National Academy of Public Administration, the study shall be conducted jointly by those organizations.

(3) Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 1994 and made available for procurement of Global Positioning System user equipment, for procurement of spacecraft, or for operations and maintenance, $5,000,000 may be used for carrying out the study required by paragraph (1).

(b) LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS EQUIPPED.—Funds may not be obligated after September 30, 2000, to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect fire weapon system that is not equipped with a Global Positioning System receiver.

(c) REPORTING REQUIREMENT.—Not later than May 1, 1994, the Secretary of Defense, in coordination with the Director of Central Intelligence, shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the following questions:

(1) What, if any, threats to the health and safety of United States military forces, allied military forces, and the United States and allied civilian populations, and what, if any, threats of damage to property within the United States and allied countries, will result by the year 2000 from Global Positioning System navigation signals, local and wide-area differential navigation correction signals, kinematic differential correction signals, and commercially available map products based on the Global Positioning System?

(2) What, if any, threat to civil aviation and other transportation operations will result by the year 2000 from the signal jamming, deception, and other disruptive effects of Global Positioning System navigation signals?

(3) What, if any, actions can be taken to eliminate or mitigate such threats?

(4) What, if any, modifications of the Global Positioning System and derivative systems can be made to eliminate or significantly reduce such threats, or to increase the ability of the Department of Defense to mitigate such threats, without interfering with authorized and peaceful uses of the Global Positioning System?

SEC. 134. SENSE OF CONGRESS ON EXPEDITING SEALIFT PROCUREMENT.

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

(1) The Joint Chiefs of Staff have verified the urgent need for increased sealift.

(2) The Persian Gulf war provided graphic evidence of the United States longstanding need for increased sealift.

(3) The Congress has appropriated funds for a sealift program in each of the past four fiscal years.

(4) The United States shipbuilding industry and its supplier base would benefit, economically and through sustained employment, from increased ship conversion as well as from new ship construction.

(5) Maintaining or increasing ship conversion and construction helps to preserve the industrial base required for effective national defense.

(6) Enhanced sealift capacity is a vital requirement for the national security of the United States.

(b) EXPEDITED PROCUREMENT.—It is the sense of the Congress that the Secretary of the Navy should move expeditiously to award sealift conversion and construction contracts that represent a fair price to the taxpayer.

SEC. 135. PERMANENT AUTHORITY TO CARRY OUT AWACS MEMORANDA OF UNDERSTANDING.

Section 2350e of title 10, United States Code, is amended by striking out subsection (d).

SEC. 136. RING LASER GYRO NAVIGATION SYSTEMS.

Notwithstanding any other provision of law, none of the funds authorized for appropriations in fiscal years 1994, 1993, and 1992 for the Navy shall be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole source contract.

SEC. 137. OPERATIONAL SUPPORT AIRCRAFT.

None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code), unless—

(1) the procurement is within an exception set forth in section 2304(c) of title 10, United States Code;

(2) the justification and certification requirements of section 2304(f) of such title are satisfied; and

(3) the Under Secretary of Defense for Acquisition certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of such title.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,303,738,000.

(2) For the Navy, $8,338,931,000.

(3) For the Air Force, $12,681,597,000.

(4) For the Defense Agencies, $9,775,951,000, of which—

(A) $252,592,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $4,549,445,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $200,000,000 shall be available for the Strategic Environmental Research and Development Program.

SEC. 204. FUNDING FOR DEFENSE CONVERSION AND REINVESTMENT RESEARCH AND DEVELOPMENT PROGRAMS.

(a) Of the amounts authorized to be appropriated under section 201—

(1) $10,000,000 shall be available for the national defense program for analysis of the technology and industrial base under section 2503 of title 10, United States Code;

(2) $150,000,000 shall be available for defense dual-use critical technology partnerships established under section 2511 of such title;

(3) $100,000,000 shall be available for commercial-military integration partnerships established under section 2512 of such title;

(4) $100,000,000 shall be available for assistance of regional technology alliances under section 2513 of such title;

(5) $30,000,000 shall be available for defense advanced manufacturing technology partnerships established under section 2522 of such title;

(6) $100,000,000 shall be available for support of defense manufacturing technology extension programs under section 2523 of such title;

(7) $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title;

(8) $10,000,000 shall be available for support of manufacturing experts in the classroom program under section 2197 of such title;

(9) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program; and

(10) $50,000,000 shall be available for the agile manufacturing/enterprise integration program.

(b) Of the amounts authorized to be appropriated under section 201, $10,000,000 shall be available, in addition to the amounts specified in subsection (a), for the programs, projects, and activities described in subsection (a).

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.

(a) CONVERSION OF PROGRAM.—The Secretary of Defense shall convert the Kinetic Energy Antisatellite (KE-ASAT) Program to a tactical antisatellite technologies program.

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

(c) DEVELOPMENT OF MOST CRITICAL TECHNOLOGIES.—The amount referred to in subsection (b) shall be available for engineering development of the most critical antisatellite technologies.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatillite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

SEC. 212. JAVELIN MISSILE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated in section 201(1), not more than $34,937,000 may be obligated for the Javelin missile program until the Secretary of Defense certifies to the congressional defense committees that the Under Secretary of Defense for Acquisition—

(1) has conducted a thorough review of such program;

(2) has determined that the cost problems with the Javelin missile development and production are under control;

(3) has completed a cost-effectiveness evaluation and determined that the Javelin missile should enter production; and

(4) has approved an enhanced producibility plan developed by the Army.

(b) COST GROWTH REPORT.—The Secretary of Defense shall submit to Congress a report on the total extent of the increase in the cost of the Javelin program. The Secretary shall include in the report the Secretary's assessment of the extent of the contractor's liability for the increased cost and the actions being taken by or on behalf of the United States to obtain compensation for the contractor's share of the responsibility for the increased cost.

SEC. 213. PLAN FOR TESTING NEW ELECTRONIC COUNTERMEASURES SYSTEM FOR B-1B BOMBERS.

(a) REQUIREMENT FOR PLAN.—The Secretary of Defense shall develop a plan for testing the new electronic countermeasures system being developed for the B-1B bomber.

(b) CONTENT OF PLAN.—The plan shall contain—

(1) a detailed description of plans for developmental testing and for operational testing, including early operational testing by the Director of Operational Test and Evaluation; and

(2) a full description of the range of test parameters, including B-1B bomber flight conditions, individual threat systems against which countermeasures will be tested, and testing of countermeasures in the presence of multiple threats.

(c) SUBMISSION OF PLAN.—(1) The Secretary shall submit the plan to the congressional defense committees.

(2) The Secretary shall provide a copy of the plan to the Director of Operational Test and Evaluation.

(d) REVIEW AND COMMENT.—The Director of Operational Test and Evaluation shall review the plan and submit any comments on the plan to the Secretary and directly to the congressional defense committees.

(e) SCOPE OF REVIEW.—The review required under subsection (d) shall include—

(1) the adequacy of the test plan to permit measurement of the extent to which the new electronic countermeasures system, if procured and installed in all B-1B bombers, would improve the survivability of B-1B bombers;

(2) the adequacy of available threat simulators to characterize threats that the B-1B bomber is likely to encounter on conventional bombing missions;

(3) the contribution of the new electronic countermeasures system to the effectiveness of the employment of B-1B bombers on conventional bombing missions if the new electronic countermeasures system were installed on all B-1B bomber aircraft; and

(4) such other matters as the Director of Operational Test and Evaluation considers significant.

(f) AVAILABILITY OF AUTHORIZED FUNDS.—Of the amount authorized to be appropriated under section 201(3), not more than $43,500,000 shall be available for the new electronic countermeasures system under the B-1B bomber aircraft program.

(g) LIMITATIONS.—(1) None of the funds made available pursuant to subsection (f) may be obligated until all of the requirements set forth in section 152 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2340) have been met.

(2) Of the amount made available pursuant to subsection (f), not more than $20,000,000 may be obligated until the plan required by subsection (a) has been submitted to the congressional defense committees.

SEC. 214. SPACE LAUNCH PLAN.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop a space launch plan that contains clearly defined priorities, goals, and milestones regarding new space launch vehicles and technology. The Secretary shall submit the plan to Congress at the same time that he submits to Congress the future years defense program in 1994 pursuant to section 221 of title 10, United States Code.

(b) SELECTION OF LAUNCH VEHICLE OPTIONS.—Of the amount authorized to be appropriated in section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology, the Secretary of Defense shall allocate not less than 75 percent of such amount to one of the following options for a space launch system:

(1) A comprehensive demonstration of high-risk, far-term launch technology, such as reusable single-stage-to-orbit and air-breathing propulsion.

(2) A competitive acquisition program for a durable and inexpensive expendable or reusable launch vehicle with an initial operational capability date early in the next decade.

(3) A program to modify existing launch vehicles to achieve decreased cost and increased responsiveness.

(c) LIMITATION.—Not more than one-third of the amount authorized to be appropriated in section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology may be obligated until the Secretary certifies to the congressional defense committees that the option selected for funding in accordance with subsection (b) is fully funded in the future years defense program referred to in subsection (a).

(d) USE OF FOREIGN LAUNCH VEHICLES.—(1) The Secretary of Defense shall conduct one or more studies to determine the potential for using space launch vehicles of foreign countries to launch United States national security payloads. The studies shall be conducted with the goal of determining whether the use of such launch vehicles would result in reduced costs for launches of national security payloads, increased competition in the furnishing of space launch vehicles for launching such payloads, and a reduction in the excessive United States space launch industrial base.

(2) Of the funds authorized to be appropriated under section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology, the Secretary of Defense shall allocate up to $5,000,000 for conducting studies described in paragraph (1).

(e) REQUIREMENT REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.—If the Secretary of Defense selects an option referred to in paragraph (1) or (2) of subsection (b) for full funding in the future years defense plan referred to in subsection (a), the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(f) REQUIREMENT REGARDING MODIFICATION OF EXISTING LAUNCH VEHICLES.—If the Secretary of Defense selects the option referred to in paragraph (3) of subsection (b) for full funding under the future years defense plan referred to in subsection (a), the Secretary's plan shall provide for Department of Defense use of one medium-lift launch vehicle for satellite payloads instead of three medium-

lift launch vehicles. The Secretary shall use competitive procedures to select the supplier of medium-lift launch vehicles.

(g) COST REDUCTION REQUIREMENT.—The plan shall provide for reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for such production rates.

SEC. 215. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, not more than $108,300,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated and expended for product development, and for research, development, testing, and evaluation, of medical countermeasures against biowarfare threat agents only in accordance with this section.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, test, or evaluation of medical countermeasures against far-term validated biowarfare threat agents.

(3) Of the funds made available pursuant to subsection (a), other than funds made available pursuant to paragraph (2) for the purpose set out in that paragraph—

(A) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

(B) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term validated biowarfare threat agents.

(c) DEFINITIONS.—In this section, the terms "validated biowarfare threat agent", "near-term validated biowarfare threat agent", "mid-term validated biowarfare threat agent", and "far-term validated biowarfare threat agent" have the meanings given such terms, respectively, in section 241(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2359).

SEC. 216. BASELINE REPORT FOR THE ARROW TACTICAL BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINE REPORT REQUIRED.—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a baseline report on the Arrow tactical ballistic missile defense system of Israel. The Secretary shall design the report to provide such committees with the information the committees need to perform their oversight function.

(b) CONTENT OF REPORT.—At a minimum, the report shall include the following matters:

(1) The development and procurement schedules for the program.

(2) The estimated total cost of the program.

(3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.

(4) The same or similar kinds of information that are included for a major defense acquisition program in a Selected Acquisition Report submitted pursuant to section 2432 of title 10, United States Code, to the extent that the Secretary can adapt the information requirements of that section for application to the Arrow tactical ballistic missile defense system.

(5) An assessment of the performance of the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or planned United States weapon system.

(8) For each such alternative—

(A) an assessment of the cost effectiveness of undertaking the alternative;

(B) the technology transfer implications; and

(C) the weapon proliferation implications.

(c) FORMS OF REPORT.—The Secretary shall submit the report in classified and unclassified versions.

SEC. 217. LIMITATIONS REGARDING FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 pursuant to an authorization of appropriations in section 201 may be obligated for procuring work from any federally funded research and development center named in the table in paragraph (2) subject to the limitations set forth for such center in that table.

(2) The table referred to in paragraph (1) is as follows:

Federally funded research and development center:	Type of work for which funds may be obligated:	Maximum amount that may be obligated:	Maximum number of MTS-years that may be procured:
Center for Naval Analysis	(unspecified)	$45,400,000	230
Institute for Defense Analysis	Systems and engineering in connection with operational test and evaluation	$13,500,000	76
	Research and development in connection with command, control, communications, and intelligence	$33,500,000	136
	Studies and analysis.	$56,000,000	300
Rand Project Air Force	(unspecified)	$24,000,000	116
National Defense Research Institute	(unspecified)	$23,200,000	115
Arroyo Center.	(unspecified)	$21,000,000	104
Logistics Management Institute	(unspecified)	$25,690,000	96
Aerospace Corporation	(unspecified)	$376,770,000	2,165
MIT Lincoln Laboratory	(unspecified)	$299,300,000	994
Mitre	(unspecified)	$399,700,000	2,357
Software Engineering Institute	(unspecified)	$34,590,000	190
Institute for Advanced Technology	(unspecified)	$0	0

(b) AUTHORITY TO WAIVE LIMITATIONS.—The Secretary of Defense may waive a limitation regarding a maximum amount or a maximum number of MTS-years that applies under subsection (a) to a federally funded research and development center if—

(1) the Secretary has notified the congressional defense committees of the proposed waiver and the reasons for the waiver, and the 60-day period that begins on the date of the notification has elapsed; or

(2) the Secretary determines that it is essential to the national security that funds be obligated for work in excess of that limitation within 60 days and notifies the congressional defense committees of that determination and the reasons for the determination.

(c) REPORT ON ALLOCATIONS FOR CENTERS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The proposed funding level and the estimated personnel level for fiscal year 1994 for each federally funded research and development center.

(2) The funding source for that funding level, by program element, and the amount transferred or to be transferred from that source to each federally funded research and development center.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—Notwithstanding any other provision of this section, no funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated to obtain work from any federally funded research and development center until the Secretary of Defense has submitted the report required by subsection (c).

(e) LIMITATION REGARDING EMPLOYEE COMPENSATION.—(1) Except as provided in paragraph (2), during fiscal year 1994 no appropriated funds may be used to pay an employee of a federally funded research and development center named in the table in subsection (a)(2) at a higher rate of compensation than the rate of compensation that the center paid such employee during fiscal year 1993.

(2) The Secretary of Defense may waive the applicability of the limitation in paragraph (1) to any federally funded research and development center that certifies to the Secretary of Defense that the total expenditures of the center for fiscal year 1994, including any increases and planned increases in the rates of compensation for employees of the center, will be less than the amount equal to 94 percent of the maximum amount set forth for such center in the table in subsection (a)(2).

(f) DEFINITION.—In this section:

(1) The term "MTS-year" means a member of technical staff-year, as defined by the Secretary of Defense.

(2) The term "technical staff", with respect to a federally funded research and development center, means the following employees of the center:

(A) Researchers.

(B) Mathematicians.

(C) Programmers.

(D) Analysts.

(E) Economists.

(F) Scientists.

(G) Engineers.

(H) Other employees of the center who perform professional level technical work primarily in any of the following fields:

(i) Studies and analyses.

(ii) System engineering and integration.

(iii) Systems planning.

(iv) Program and policy planning and analysis.

(v) Basic and applied research.

(g) FUNDING.—(1) Of the amounts authorized to be appropriated to the Department of Defense for research, development, test, and evaluation for fiscal year 1994 pursuant to section 201, not more than $1,352,650,000 may be obligated for procuring services from the federally funded research and development centers listed in the table in subsection (a)(2).

(2) None of the funds authorized to be obligated under paragraph (1) may be obligated for the procurement of services from the Institute for Advanced Technology.

(h) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $200,000,000.

Subtitle C—Missile Defense Programs

SEC. 221. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) TERMINOLOGY AMENDMENTS.—The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is amended—

(1) in section 234(c)(1)—

(A) by striking out "Strategic Defense Initiative Organization (SDIO)" and inserting in lieu thereof "Ballistic Missile Defense Organization (BMDO)"; and

(B) by striking out "Strategic Defense Initiative Organization's" and inserting in lieu thereof "Ballistic Missile Defense Organization's";

(2) in section 235—

(A) in the section heading, by striking out **"STRATEGIC DEFENSE INITIATIVE"** and inserting in lieu thereof **"BALLISTIC MISSILE DEFENSE PROGRAM"**; and

(B) in the text of such section, by striking out "Strategic Defense Initiative" each place it appears and inserting in lieu thereof "Ballistic Missile Defense program";

(3) in the heading of section 236, by striking out **"SDI"** and inserting in lieu thereof **"BMD"**; and

(4) in sections 234, 235, and 236, by striking out "Strategic Defense Initiative Organization" each place it appears and inserting in lieu thereof "Ballistic Missile Defense Organization".

(b) REPEAL OF FUNDING, REPORTING, AND TRANSFER PROVISIONS.—(1) Section 237 of such Act is repealed.

(2) Such Act is amended by redesignating sections 238, 239, and 240 as sections 237, 238, and 239, respectively.

SEC. 222. FUNDING OF CERTAIN BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—If a decision is not made before February 28, 1994, to proceed into engineering and manufacturing development under a weapon system program referred to in subsection (b), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC-3 Missile program.

(b) COVERED WEAPON SYSTEM PROGRAMS.—For purposes of subsection (a) the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS FOR COMPLIANCE WITH ABM TREATY.

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

(1) That section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.-USSR SALT I Interim Agreement of 1972.

(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as is technically possible.

(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.

(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR-T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile-2 (SM-2) interceptor of the Navy.

(c) REPORT REQUIRED.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the congressional defense committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade.

(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota?

(B) If not, can design changes or operational changes be made to the Brilliant Eyes space-based sensor that—

(i) will result in the usability of the sensor in conjunction with the planned ground-based radar system and its ground-based interceptors being in compliance with the ABM Treaty; and

(ii) will not prevent the system from performing its strategic defense missions with a high degree of effectiveness?

(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty?

(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?

(d) LIMITATIONS ON FUNDING.—(1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade required by subsection (b) and has submitted to the congressional defense committees the

report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.

(2) Not more than $50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.

(e) ABM TREATY COMPLIANCE OF THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.

(f) DEFINITION.—In this section, the term "ABM Treaty" has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

SEC. 224. THEATER MISSILE DEFENSE MASTER PLAN.

(a) MASTER PLAN REQUIRED.—(1) Not later than March 1, 1994, the Secretary of Defense shall submit to Congress a report containing an updated master plan for theater missile defenses.

(2) The plan shall include the following matters:

(A) A description of the mission and scope of theater missile defense.

(B) A description of the role of each of the Armed Forces in theater missile defense and an explanation of how those roles interact and complement each other.

(C) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a theater missile defense system by the Ballistic Missile Defense Organization.

(D) A detailed acquisition strategy for theater missile defenses, including an analysis and comparison of the projected life-cycle costs of each theater missile defense system intended for production, showing the component costs for—

(i) research, development, test, and evaluation;

(ii) procurement;

(iii) operation and maintenance; and

(iv) personnel for each system.

(E) The baseline production rate for each system for each year of the program through completion of procurement.

(F) An estimate of the unit cost and capabilities of each element.

(G) A description of the current and planned testing program for theater missile defenses, including a description of demonstration targets to be tracked and engaged by multiple interceptors, target discrimination from decoys, and a shoot-look-shoot capability.

(H) A description of how any projected theater missile defense program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty regimes, indicating clearly any potential noncompliance with either treaty regime, when such noncompliance would occur, and the position of the Secretary of Defense as to whether provisions of either treaty regime would have to be renegotiated within that regime in order to address future contingencies.

(I) A description of planned theater missile defense doctrine, training, tactics, and force structure.

(b) OBJECTIVES OF PLAN.—In preparing the master plan the Secretary shall—

(1) seek to maximize the use of existing technologies (such as AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

SEC. 225. EXTENSION OF AUTHORITY FOR TRANSFER OF RESPONSIBILITY FOR FAR-TERM FOLLOW-ON TECHNOLOGIES.

Section 234(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2357; 10 U.S.C. 2431 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "1993" and inserting in lieu thereof "1994";

(B) by striking out "(A)"; and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out "(B) For purposes of subparagraph (A)," and all that follows.

SEC. 226. REPORT ON ACQUISITION STREAMLINING TO ACCELERATE DEPLOYMENT OF INITIAL ABM SYSTEM.

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

(1) The Missile Defense Act of 1991 (10 U.S.C. 2431 note) calls for the deployment of an ABM Treaty-compliant anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks by ballistic missiles.

(2) That Act directed the Secretary of Defense to structure a development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

(3) Since 1983, in excess of $30,000,000,000 has been provided for research and development of ballistic missile defense capabilities.

(4) Notwithstanding this huge expenditure of funds on missile defense technologies, the Secretary of Defense has proposed deployment of such a system no sooner than 2004.

(5) It is incredible that the initial deployment of a limited defense capability requires another 11 years to accomplish within the congressionally mandated guidance.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, deployment, and testing of ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency. In conducting the review, the Secretary shall obtain recommendations and advice from the Defense Science Board, the faculty of the Industrial College of the Armed Forces, and federally funded research and development centers supporting the Office of the Secretary of Defense.

(c) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings resulting from the review together with his recommendations for legislation, if any. The Secretary shall submit the report in unclassified form, but may also submit a classified version of the report if he considers it necessary to classify any of the information in his findings or recommendations or any related information.

SEC. 227. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, or otherwise made available to the Department of Defense for research, development, test and evaluation for fiscal year 1994, not more than $2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

(2) not more than 32 percent of the total amount may be obligated for the Limited Defense System;

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such paragraph a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) LIMITATION ON NUMBER OF TMD PROGRAMS.—(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

(A) the Patriot PAC-3 Missile program;

(B) not more than 2 other lower-tier theater missile defense programs;

(C) not more than 2 upper-tier theater missile defense programs; and

(D) not more than 2 boost-phase intercept theater missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

(c) FUNDS NOT TO BE MADE AVAILABLE FOR BRILLIANT EYES.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) REPORTING REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization and shall list each ballistic missile defense program, project, and activity under the appropriate program element.

SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PROGRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

Subtitle D—Other Matters

SEC. 231. NUCLEAR TESTING.

(a) LIMITATIONS.—(1) None of the funds appropriated pursuant to an authorization in this or any other Act may be obligated to support underground explosions of nuclear weapons, or devices, for testing of the effects of nuclear weapon explosions, including the so-called "Mighty Uncle" test.

(2) Funds available for the so-called "Mighty Uncle" test may not be obligated until the Secretary of Defense submits to the congressional defense committees a detailed spending plan for underground nuclear weapon testing that is consistent with the provisions of section 507 of Public Law 102-377 (106 Stat. 1343).

(b) CERTAIN ACTIONS AUTHORIZED.—The Secretary of Defense may proceed with underground nuclear test tunnel deactivation and environmental cleanup and may expend funds for infrastructure activities not prohibited by subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, not more than $38,000,000 may be used for activities described in subsection (b).

(d) TERMINATION OF SAFEGUARD C PROGRAM.—The atmospheric test readiness program known as "Safeguard C" is hereby terminated.

SEC. 232. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAM TO THE DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.

Section 216(a) of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1317) as amended by section 215(l) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2352) is amended by striking out "fiscal years 1994 through 1997" and inserting in lieu thereof "fiscal years 1995 through 1999".

SEC. 233. TERMINATION, REESTABLISHMENT, AND RECONSTITUTION OF AN ADVISORY COUNCIL ON SEMICONDUCTOR TECHNOLOGY.

(a) TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH.—The Advisory Council on Federal Participation in Sematech established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is hereby terminated.

(b) SEMICONDUCTOR TECHNOLOGY COUNCIL.—Section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended by striking out the heading and subsections (a) through (c) and inserting in lieu thereof the following:

"SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.

"(a) ESTABLISHMENT.—There is established the Semiconductor Technology Council.

"(b) PURPOSES AND FUNCTIONS.—(1) The purposes of the Council are—

"(A) to seek ways to respond to the technology challenges for semiconductors by increasing efficiency, promoting creativity and entrepreneurship, and fostering precompetitive cooperation among industry, government, and academia; and

"(B) to make available judgments, assessments, insights, and recommendations that relate to the opportunities for new research and development efforts and the potential to better rationalize and align on a national basis semiconductor research and development.

"(2) The Council shall—

"(A) advise Sematech and the Secretary of Defense on appropriate technology goals for the research and development activities of Sematech;

"(B) review the technology developments and core technology challenges for semiconductors and explore opportunities for improved coordination among industry, government, and academia;

"(C) exchange views regarding the competitiveness of the semiconductor technology base and new or emerging semiconductor technologies that could affect national economic and security interests;

"(D) exchange and update information and identify overlaps and gaps regarding the efforts of industry, government, and academia in semiconductor research and development;

"(E) assess technology progress relative to the semiconductor technology roadmap;

"(F) make recommendations regarding the scope and content of semiconductor technology development supported by Federal departments and agencies;

"(G) appoint subgroups as necessary in connection with updating and implementing the semiconductor technology roadmap; and

"(H) publish an annual report addressing the semiconductor technology challenges and developments for industry, government, and academia and the relationship among the challenges and developments for each, with particular emphasis on the role of Sematech.

"(c) MEMBERSHIP.—The Council shall be composed of 14 members as follows:

"(1) The Under Secretary of Defense for Acquisition, who shall be Cochairman of the Council.

"(2) The Under Secretary of Energy responsible for science and technology matters.

"(3) The Under Secretary of Commerce for Technology.

"(4) The Director of the Office of Science and Technology Policy.

"(5) The Assistant to the President for Economic Policy.

"(6) The Director of the National Science Foundation.

"(7) Eight members appointed by the President as follows:

"(A) Four individuals who are eminent in the semiconductor device industry, one of whom shall be Cochairman of the Council.

"(B) Two individuals who are eminent in the semiconductor equipment and materials industry.

"(C) One individual who is eminent in the semiconductor user industry.

"(D) One individual who is eminent in an academic institution.".

(c) CONFORMING AMENDMENTS.—Part F of title II of such Act is amended—

(1) in section 271(c) (15 U.S.C. 4601(c)), by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The terms 'Semiconductor Technology Council' and 'Council' mean the advisory council established by section 273.";

(2) in section 272(b)(1)(B) (15 U.S.C. 4602(b)(1)(B)), by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council"; and

(3) in section 273 (15 U.S.C. 4603)—

(A) in the first sentence of subsection (d)—

(i) by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(ii) by striking out "two shall be appointed for a term of two years" and inserting in lieu thereof "three shall be appointed for a term of two years";

(B) in the first sentence of subsection (e), by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(C) in subsection (f), by striking out "Seven members" and inserting in lieu thereof "Nine members".

(d) AUTHORITY TO CALL MEETING.—Section 273(g) of such Act (15 U.S.C. 4603(g)) is amended by striking out "the Chairman or a majority of its members" and inserting in lieu thereof "a Cochairman".

(e) SOURCE OF SUPPORT FOR SEMATECH.—Section 273 of such Act (22 U.S.C. 4603) is amended by adding at the end the following new subsection:

"(j) SUPPORT FOR COUNCIL.—The Council shall utilize Sematech as needed for general and administrative support in accomplishing the Council's purposes.".

(f) FIRST MEETING OF NEW COUNCIL.—The first meeting of the Semiconductor Technology Council shall be held not later than 45 days after the date of the enactment of this Act.

(g) REFERENCE TO COUNCIL.—A reference in any provision of law to the Advisory Council on Federal Participation in Sematech shall be deemed to refer to the Semiconductor Technology Council established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, as amended by subsection (b).

SEC. 234. AUTHORITY TO ACQUIRE NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including improvements thereon, consisting of approximately 88 acres and located on President's Island, Memphis, Tennessee, the site of the Navy Large Cavitation Channel.

(b) FUNDING.—To the extent provided in appropriations Acts, amounts appropriated pursuant to section 201(2) for the Navy shall be available for the acquisition of real property authorized under subsection (a).

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

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the acquisition under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 235. STRATEGIC ENVIRONMENTAL RESEARCH COUNCIL.

(a) MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively;

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

"(4) The Deputy Under Secretary of Defense responsible for environmental security."; and

(4) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph (6):

"(6) The Assistant Secretary of Energy responsible for environmental restoration and waste management.".

(b) EXTENSION OF AUTHORITY TO ESTABLISH EMPLOYEE PAY RATES.—Section 2903(d)(2) of title 10, United States Code, is amended by striking out "November 5, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 236. SENSE OF THE SENATE ON METALCASTING INDUSTRY.

It is the Sense of the Senate that—

(1) The health and viability of the metalcasting industry of the United States are a serious risk, and

(2) The Secretary of Defense should seriously consider providing funds, from within the funds made available pursuant to section 204, for metalcasting industry research and development activities, including the following activities:

(A) Development of casting technologies and techniques.

(B) Improvement of technology transfer within the metalcasting industry in the United States.

(C) Improvement of training for the metalcasting industry workforce.

SEC. 237. INTERIM RECONNAISSANCE PROGRAM.

(a) Of the funds authorized to be appropriated in section 201 for the Joint Program Office for Unmanned Aerial Vehicles, up to $40,000,000 may be obligated and expended for the purposes of initiating a long-endurance, unmanned reconnaissance aerial vehicle program, subject to the conditions outlined in subsection (b) and subsection (c).

(b) The funds may be obligated only to procure, integrate, test and evaluate non-development airframes, sensors, communication equipment, mission planning equipment and ground stations.

(c) None of the funds may be obligated until the Department identifies the programs within the jurisdiction of the Joint Program Office that will be terminated or deferred, consistent with normal reprogramming procedures.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Prevention and Control of the Proliferation of Weapons of Mass Destruction Act of 1993".

SEC. 242. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of Energy, and the Intelligence Community have an important role in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons;

(3) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that can enhance the effectiveness of United States and international nonproliferation efforts, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(4) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that directly contribute to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counterproliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defenses against ballistic missile attacks; and

(5) in a manner consistent with the nonproliferation policy of the United States, the Department of Defense, the Department of Energy, and the Intelligence Community should continue to maintain and improve their capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 243. JOINT COMMITTEE FOR REVIEW OF NONPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) In support of the nonproliferation policy of the United States, there is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of Energy.

(C) The Director of Central Intelligence.

(D) The Director of the United States Arms Control Disarmament Agency.

(E) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition the performance of the duties of the Chairman of the committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level officials and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pursuant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;

(B) battlefield surveillance;

(C) passive defenses;

(D) active defenses;

(E) counterforce capabilities;

(F) inspection support; and

(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(4) identify deficiencies in existing capabilities and technologies;

(5) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(6) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, Department of Energy, and the intelligence community that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendations regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

SEC. 244. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit to Congress a report on the findings of the committee on nonproliferation activities established pursuant to section 243.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 243(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant section 243(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Armed Forces of the United States—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) FORMS OF REPORT.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 245. DEFINITIONS.

In this subtitle:

(1) The term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $15,194,036,000.

(2) For the Navy, $19,081,792,000.

(3) For the Marine Corps, $1,790,489,000.

(4) For the Air Force, $18,932,246,000.

(5) For Defense Agencies $9,523,283,000.

(6) For the Defense Health Program, $9,303,447,000.

(7) For the Army Reserve, $1,096,190,000.

(8) For the Naval Reserve, $782,800,000.

(9) For the Marine Corps Reserve, $83,100,000.

(10) For the Air Force Reserve, $1,356,078,000.

(11) For the Army National Guard, $2,216,944,000.

(12) For the Air National Guard, $2,717,733,000.

(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.

(14) For the Defense Inspector General, $127,001,000.

(15) For Drug Interdiction and Counter-Drug Activities, Defense-wide, $1,168,200,000.

(16) For the Court of Military Appeals, $6,055,000.

(17) For Environmental Restoration, Defense, $2,369,400,000.

(18) For Humanitarian Assistance, $48,000,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1994 World Cup Games, $12,000,000.

(21) For Former Soviet Union Threat Reduction, $400,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,161,095,000.

SEC. 303. FUNDING NATIONAL DEFENSE STRATEGIC LIFT REQUIREMENTS.

(a) RENAMING FUND.—Section 2218 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§ 2218. National Defense Strategic Lift Fund";

and

(2) by striking out "National Defense Strategic Sealift Fund" each time it appears and inserting in lieu thereof "National Defense Strategic Lift Fund".

(b) FUND PURPOSES.—Subsection (c)(1) of such section is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(c) DEPOSITS IN THE FUND.—Subsection (d)(1) of such section is amended—

(1) by striking out "and" at the end of subparagraph (C);"

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(d) CONTENT OF BUDGET REQUESTS.—Subsection (h) of such section is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the amount requested for programs, projects, and activities for construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(e) STRATEGIC AIRLIFT AIRCRAFT DEFINED.—Subsection (k) of such section is amended by adding at the end the following new paragraph:

"(4) The term 'strategic airlift aircraft' means any cargo aircraft owned, operated, controlled, or chartered by the Department of Defense that has intercontinental range.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for the National Defense Strategic Lift Fund in the amount of $2,669,100,000.

SEC. 304. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the sum of $61,918,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 305. NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.

During fiscal year 1994, $24,000,000 is authorized to be obligated from the National Security Education Trust Fund established by section 804(a) of the David L. Boren National Security Education Act of 1991 (Public Law 102-183; 50 U.S.C. 1904(a)).

SEC. 306. TRANSFER AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense, to the extent provided in appropriations Acts, may transfer funds as provided in this section during fiscal year 1994. Funds so transferred are in addition to the funds authorized to be appropriated in section 301.

(b) FROM THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Subject to paragraph (2), not more than $3,035,300,000 may be transferred from the Defense Business Operations Fund to appropriations for operations and maintenance for fiscal year 1994 in amounts as follows:

(A) For the Army, $880,200,000.

(B) For the Navy, $1,092,700,000.

(C) For the Marine Corps, $121,000,000.

(D) For the Air Force, $941,400,000.

(2) Amounts may be transferred under this subsection only to the extent that the Fund contains cash balances sufficient for such transfers.

(c) FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Not more than $500,000,000 may be transferred from the National Defense Stockpile Transaction Fund to appropriations for operation and maintenance for fiscal year 1994 in amounts as follows:

(1) For the Army, $150,000,000.

(2) For the Navy, $150,000,000.

(3) For the Air Force, $200,000,000.

(d) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred;

(2) shall be deemed to increase the amount authorized to be appropriated for the account to which the amount is transferred by an amount equal to the amount transferred; and

(3) may not be expended for an item that has been denied authorization of appropriations by Congress.

(e) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—An increase under subsection (d)(2) in an amount authorized to be appropriated is in addition to an increase in that amount that results from a transfer of an authorization of appropriations pursuant to section 1001.

(f) RELATIONSHIP TO APPROPRIATED FUNDS.—Funds made available by transfer under this section shall be in addition to funds made available pursuant to an authorization of appropriations in section 301.

SEC. 307. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $10,000,000 is authorized for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

Subtitle B—Defense Business Operations Fund

SEC. 311. EXTENSION OF AUTHORITY FOR USE OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "December 31, 1994".

SEC. 312. IMPLEMENTATION OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2208 note) is amended by striking out subsections (d), (e), and (f) and inserting in lieu thereof the following new subsections:

"(d) COMPREHENSIVE MANAGEMENT PLAN.—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of Defense shall submit to the congressional defense committees a comprehensive management plan for the Defense Business Operations Fund. The Secretary shall identify in the plan the actions the Department of Defense will take to improve the implementation and operation of the Defense Business Operations Fund.

"(2)(A) The plan should also include the following matters:

"(i) The specific tasks to be performed to address the serious shortcomings that exist in the Fund's implementation and operation.

"(ii) Milestones for starting and completing each task.

"(iii) A statement of the resources needed to complete each task.

"(iv) The specific organizations within the Department of Defense that are responsible for accomplishing each task.

"(v) Department of Defense plans to monitor the implementation of all corrective actions.

"(B) The plan should also address the following specific areas:

"(i) The management and organizational structure of the Fund.

"(ii) The development and implementation of the policies and procedures, including internal controls, applicable to the Fund.

"(iii) Management reporting, including financial and operational reporting.

"(iv) Accuracy and reliability of cost accounting data.

"(v) Development and use of performance indicators to measure the efficiency and effectiveness of Fund operations.

"(vi) The status of efforts to develop and implement new financial systems for the Fund.

"(e) PROGRESS REPORT ON IMPLEMENTATION.—Not later than February 1, 1994, the Secretary of Defense shall submit to the Congress a report on the progress made in implementing the comprehensive management plan required by subsection (d). The report should describe the progress made in reaching the milestones established in the plan and provide an explanation for the failure to meet any of the milestones. The Secretary shall submit a copy of the report to the Comptroller General of the United States at the same time that he submits the report to Congress.

"(f) RESPONSIBILITIES OF THE COMPTROLLER GENERAL.—(1) The Comptroller General of the United States shall monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan required by subsection (d).

"(2) Not later than March 1, 1994, the Comptroller General shall submit to the Congress a report containing the following:

"(A) The findings and conclusions of the Comptroller General resulting from the monitoring and evaluation conducted under paragraph (1).

"(B) An evaluation of the progress report submitted to Congress by the Secretary of Defense pursuant to subsection (e).

"(C) Any recommendations for legislation or administrative action concerning the Fund that the Comptroller General considers appropriate.".

SEC. 313. LIMITATION ON OBLIGATIONS AGAINST THE DEFENSE BUSINESS OPERATIONS FUND.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund of the Department of Defense during fiscal year 1994 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1994, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is necessary in order to maintain the readiness and combat effectiveness of the Armed Forces. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle C—Environmental Provisions

SEC. 321. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.

(a) AUTHORITY.—Chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2866. Water conservation at military installations

"(a) WATER CONSERVATION ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any water utility for the management of water or for water conservation.

"(2) The Secretary of Defense may authorize any military installation to accept any financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a water utility to adopt technologies and practices that the Secretary determines are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with water utilities to design and implement cost-effective demand and conservation incentive programs (including water management services, facilities, alterations, and the installation and maintenance of water saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(4)(A) If an agreement under paragraph (3) provides for the utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(B) Subject to the availability of appropriations, repayment of costs advanced under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to any water-saving device or technology installed at a military installation pursuant to the agreement shall vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

"(b) USE OF WATER COST SAVINGS.—Water cost savings realized under this section shall be utilized in accordance with section 2865(b) of this title.

"(c) WATER CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for water conservation, not previously authorized, using funds appropriated or otherwise made available for water conservation.

"(2) Section 2865(e)(2) of this title shall apply to a project to be carried out under the authority of paragraph (1).

"(d) DEFINITION.—In this section, the term 'water utility' means any publicly or privately owned entity (including a municipal or regional authority or water district) that delivers potable water to a military installation through a transmission or distribution system.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2866. Water conservation at military installations.".

SEC. 322. CLARIFICATION OF AUTHORITY FOR ENERGY CONSERVATION PROGRAMS AT MILITARY INSTALLATIONS.

(a) USE OF SAVINGS.—Subsection (b)(2) of section 2865 of title 10, United States Code, is amended to read as follows:

"(2) Of the total amount that remains available for obligation under paragraph (1) and section 2866(b) of this title—

"(A) one-half of such amount shall be used for the implementation of additional energy conservation measures and for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations which the Secretary of Defense shall prescribe) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or referred to in section 2866(b) of this title; and

"(B) one-half of such amount shall be allocated among the installations that realized such savings in the same proportions as such savings were realized at such installations and the amount so allocated to an installation shall be utilized at such installation for—

"(i) improvements to existing military family housing units;

"(ii) any unspecified minor construction project that will enhance the quality of life of personnel; or

"(iii) any morale, welfare, or recreation facility or service.".

(b) COVERED UTILITIES.—Subsection (d) of such section 2865 is amended by adding at the end the following:

"(5) In this subsection, the terms 'gas utility' and 'electric utility' mean any publicly or privately owned entity (including a municipal or regional authority or Federal power marketing agency) that deliver natural gas or electricity, respectively, to a military installation through a transmission or distribution system.".

SEC. 323. CLARIFICATION OF FUNDING FOR ENVIRONMENTAL RESTORATION ACTIVITIES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 2906(e) 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—

(1) by inserting "(1)" before "Except for";

(2) in paragraph (1), as so designated, by inserting "and except as provided in paragraph (2)" in the first sentence after "subsection (a)"; and

(3) by adding at the end the following:

"(2) Funds in the Defense Environmental Restoration Account established under section 2703(a) of title 10, United States Code, may be used for obligations incurred for purposes described in section 2905(a)(1)(C)—

"(A) in fiscal year 1994 for installations approved for closure or realignment under this part in 1993; and

"(B) in fiscal year 1996 for installations approved for closure or realignment under this part in 1995.".

SEC. 324. ANNUAL REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REPORT ON IMPLEMENTATION OF PROGRAMS.—Paragraph (2) of section 2706(a) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs (C) and (D):

"(C) The estimated cost of carrying out response actions at each facility on the National Priorities List for each of the 5 fiscal years following the fiscal year in which the report is submitted.

"(D) The costs incurred for response actions at each facility on the National Priorities List during the fiscal year preceding the fiscal year in which the report is filed."; and

(3) by adding at the end the following:

"(F) The estimated cost of carrying out response actions at facilities other than facilities on the National Priorities List for each of the 5 fiscal years following the fiscal year in which the report is submitted.".

(b) TIMING OF REPORT.—Such section 2706(a) is further amended by adding at the end the following:

"(3) The Secretary shall submit the annual report required under this subsection no later than April 15 of each year.".

SEC. 325. EXTENSION OF PERIOD OF APPLICABILITY OF REQUIREMENT FOR REIMBURSEMENT OF THE FEDERAL GOVERNMENT FOR CERTAIN LIABILITIES ARISING UNDER CONTRACTS RELATING TO HAZARDOUS WASTE.

Section 2708(b)(1) of title 10, United States Code, by striking out "and 1993" and inserting in lieu thereof "through 1996".

SEC. 326. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

SEC. 327. CLARIFICATION OF SCOPE OF INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

(a) INDEMNIFICATION FOR PETROLEUM PRODUCTS.—Subsection (a)(1) of section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) is amended by striking out "or pollutant or contaminant" and inserting in lieu thereof ", pollutant or contaminant, any petroleum product, or any other derivative of petroleum".

(b) ACTIVITIES SUBJECT TO INDEMNIFICATION.—Such subsection (a)(1) is further amended by inserting "(including defense activities carried out by a contractor or subcontractor under a contract with the Department of Defense or a military department)" after "Department of Defense activities".

(c) STATE OWNERSHIP OR CONTROL.—Subsection (a)(2)(A) of such section is amended by inserting "(including a leasehold interest)" after "or control".

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Subsection (e) of such section is amended—

(1) by striking out "RELATIONSHIP TO OTHER LAW.—" and inserting in lieu thereof "RELATIONSHIP TO EXISTING LAW AND CONTRACTS.—"; and

(2) by striking out "in any way" and inserting in lieu thereof "in any way—

"(1) section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), any other provision of law, or any regulation; or

"(2) any provision of a contract of the Department of Defense or a military department, or any provision of a subcontract under such a contract, that provides the Department of Defense or the military department with a right of contribution against the contractor or subcontractor, as the case may be.".

SEC. 328. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) SHORT TITLE.—This section may be cited as the "Act to Prevent Pollution from Ships Amendments of 1993".

(b) DEADLINE FOR COMPLIANCE BY SHIPS OWNED OR OPERATED BY THE DEPARTMENT OF THE NAVY WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof ", subject to subsection (f) of this section, as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy when such submersibles are engaged in noncommercial service.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(c) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface vessels owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V of the Convention.

"(2) Not later than 3 years after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy, shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all vessels owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain vessels under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(d) COMPLIANCE MEASURES.—Such section 3 is amended by inserting after subsection (d), as redesignated by subsection (c)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V of the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3)(A) Within 12 months after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy shall promulgate regulations applicable to ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. The regulations shall be consistent with operational requirements of such ships and shall be revised from time to time in accordance with this subsection.

"(B) The regulations promulgated under subparagraph (A) of this paragraph shall include the following requirements:

"(i) That compacted trash discharged from submersibles be negatively buoyant and contain the minimum amount practicable of plastic.

"(ii) That plastics contaminated by substances other than food not be discharged overboard from any ship during the last 20 days before the ship enters port.

"(iii) That plastics contaminated by food not be discharged overboard from any ship

during the last 3 days before the ship enters port.

"(4)(A) The Secretary of Defense shall publish in the Federal Register a report setting forth the names of ships provided with equipment enabling such ships to comply with Annex V to the Convention and describing the amount and nature of the discharges in special areas during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. ".

(e) WAIVER AUTHORITY.—Such section 3, as amended by subsection (d), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsections (b)(2)(A) and (c) of this section and in subsection (f) of the Act to Prevent Pollution from Ships Amendments of 1993 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of 1 year. The President shall submit a report to the Congress each January on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(f) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships of the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a Navy ship.

(3) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships of the Navy that require such processors in order to comply with the provisions of section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (b), (c), and (d) of this section.

(4) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships of the Navy that require such processors in order to comply with such provisions.

(5) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships of the Navy that require such processors in order to comply with such provisions.

(g) DEFINITION.—Section 1(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)) is amended by adding at the end the following:

"(10) 'submersible' means a submarine, or any other vessel designed to operate under water.".

Subtitle D—Other Matters

SEC. 331. REPEAL OF AN EXCEPTION TO A LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

Section 2466(a) of title 10, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out "(1) Except as provided in paragraph (2), the" and inserting in lieu thereof "The".

SEC. 332. MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may perform necessary minor maintenance and repairs of Pacific battle monuments until, by agreement between the Commandant and the Secretary of the American Battle Monuments Commission, the American Battle Monuments Commission undertakes the responsibility for maintenance and repair of such battle monuments.

(b) FUNDING.—(1) In each fiscal year that the Commandant performs maintenance and repair activities pursuant to the authority in subsection (a), the Commandant may expend for such activities not more than $15,000 of the amount made available to the Marine Corps for such fiscal year for operation and maintenance.

(2) Of the amounts available to the Marine Corps for fiscal year 1993 for operation and maintenance, $150,000 may, to the extent provided in appropriations Acts, be made available for the repair and relocation of a monument located on Iwo Jima that commemorates the sacrifice of American military personnel during World War II.

(c) DEFINITION.—In this section, the term "Pacific battle monument" means a monument on an island in the Pacific Ocean that commemorates combat actions of any of the Armed Forces.

SEC. 333. PURCHASE OF ITEMS NOT EXCEEDING $100,000.

Funds appropriated pursuant to the authorization of appropriations in section 301 may be used to purchase items not exceeding $100,000 for each item.

SEC. 334. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 335. CONTRACTS TO PERFORM WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 2469 of title 10, United States Code, is amended—

(1) by inserting "(a) REQUIREMENT FOR COMPETITION.—" before "The Secretary of Defense";

(2) by striking out "threshold";

(3) by striking out "unless" and all that follows and inserting in lieu thereof "to performance by a contractor unless the Secretary uses competitive procedures for the selection of the contractor to perform such workload."; and

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

"(b) INAPPLICABILITY OF OMB CIRCULAR A-76.—Office of Management and Budget Circular A-76 does not apply to a performance change to which subsection (a) applies.".

SEC. 336. PROMOTION OF CIVILIAN MARKSMANSHIP.

Section 4308(c) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, such amounts shall remain available until expended.".

SEC. 337. AMENDMENTS REGARDING PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) AGREEMENT WITH DISTRICT OF COLUMBIA.—Section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2386; 32 U.S.C. 501 note) is amended by adding at the end of subsection (a) the following: "In the case of an agreement with the District of Columbia, the agreement shall be with the commanding general of the District of Columbia National Guard.".

(b) NATIONAL GUARD TRAINING AUTHORIZED TO INCLUDE THE PROVISION OF HEALTH CARE.—Section 376 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsection (b):

"(b) TRAINING AUTHORIZED TO INCLUDE PROVISION OF HEALTH CARE.—Training conducted pursuant to section 270 of title 10, United States Code, and section 502 of title 32, United States Code, may include, as an activity conducted in the course of and incident to required or additional National Guard training, the provision of health care under an agreement entered into pursuant to subsection (a).".

(c) FUNDING, SAVINGS, AND DEFINITION PROVISIONS.—Section 376 of such Act is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by inserting after subsection (e) the following new subsections:

"(f) FUNDING AND USE OF OTHER RESOURCES.—Funds appropriated for operation and maintenance of the National Guard may be used for supplies and equipment necessary for the provision of health care to medically underserved communities under an agreement entered into pursuant to subsection (a). Supplies and equipment furnished by a State, a department or agency of the Federal Government, or any private organization or individual may also be used for the provision of health care to medically underserved communities under such an agreement.

"(g) RETIREMENT CREDIT FOR FISCAL YEAR 1993 SERVICE.—Service under an agreement entered into pursuant to subsection (a) that was performed by National Guard personnel before October 1, 1993 (the effective date of an amendment of subsection (b) to clarify the status of service under such an agreement as training), shall be counted as service under section 502 of title 32, United States Code, for the purpose of computing years of service for entitlement to retired pay under subparagraph (A) or (B) of section 1332(a)(2) of title 10, United States Code.

"(h) DEFINITIONS.—In this section:

"(1) The term 'health care' includes medical and dental care services.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, a territory (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 338. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2395; 20 U.S.C. 238 note) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) there has been a significant increase, as determined by the Secretary of Defense, in the number of military dependent students in average daily attendance in the schools of that agency as a result of a relocation of Armed Forces personnel or civilian employees of the Department of Defense or as a result of a realignment of one or more military installations; or"; and

(4) in paragraph (3), as redesignated by paragraph (2), by inserting "or (2)" before the period at the end.

(b) TECHNICAL CORRECTION.—Section 386 of such Act is amended by—

(1) by redesignating the second subsection (e), relating to definitions, as subsection (h); and

(2) by transferring such subsection, as so redesignated, to the end of such section.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall take effect as of October 23, 1992, as if section 386 of Public Law 102-484 had been enacted as amended by such subsections.

(d) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 301(5)—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b) of section 386 of Public Law 102-484; and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d) of such section.

(e) NOTIFICATION AND DISBURSAL.—(1) The Secretary shall notify on or before June 30, 1994, each local educational agency eligible for assistance under subsections (b) and (d) of section 386 of Public Law 102-484 for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary shall disburse the funds made available pursuant to subsection (d) no later than 30 days after notification to eligible local education agencies.

SEC. 339. ANNUAL ASSESSMENT OF FORCE READINESS.

(a) ANNUAL ASSESSMENT REQUIRED.—Not later than March 1 of each of 1994, 1995, and 1996, the Chairman of the Joint Chiefs of Staff shall submit to Congress an assessment of—

(1) the readiness and capability of the Armed Forces of the United States to carry out the full range of the missions assigned to the Armed Forces; and

(2) the associated level or degree of risk for the Armed Forces in responding to current and anticipated threats to national security interests of the United States.

(b) CONTENT OF ASSESSMENT.—Each assessment shall include, for the 5-year period described in subsection (c), the following matters:

(1) An unclassified description of the current and projected readiness and capability of the Armed Forces of the United States taking into consideration each of the following areas:

(A) Personnel.

(B) Training and exercises.

(C) Logistics, including equipment maintenance and supply availability.

(D) Equipment modernization.

(E) Installations, real property, and facilities.

(F) Munitions.

(G) Mobility.

(H) Wartime sustainability.

(2) The personal assessment of the Chairman of the Joint Chiefs of Staff regarding the readiness and capabilities of the Armed Forces together with the Chairman's personal judgment on whether there are significant problems or risks regarding the capabilities and readiness of the Armed Forces.

(3) Any factors that the Chairman or any other member of the Joint Chiefs of Staff believes may lead to a decrease in force readiness or a degradation in the overall capability of the Armed Forces.

(4) Any recommended actions that the Chairman of the Joint Chiefs of Staff considers appropriate.

(5) Any classified annexes that the Chairman of the Joint Chiefs of Staff considers appropriate.

(c) PERIOD ASSESSED.—The assessment shall include information for the fiscal year in which the assessment is submitted, the 3 preceding fiscal years, and projections for the subsequent fiscal year.

(d) INTERIM ASSESSMENTS.—If, at any time between submissions of assessments to Congress under subsection (a), the Chairman of the Joint Chiefs of Staff determines that there is a significant change in the projected readiness or capability of the Armed Forces from the readiness or capability projected in the most recent annual assessment, the Chairman shall submit to the Congress a revised assessment that reflects each such significant change.

SEC. 340. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment, appointment, or induction into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing;

"(2) the appropriation accounts from which such costs are to be paid; and

"(3) the estimated average total annual cost of recruiting a person for enlistment, appointment, or induction into the armed forces for the fiscal year covered by the budget justification documents, determined and reported separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

SEC. 341. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000, of whom not more than 84,414 shall be commissioned officers.

(2) The Navy, 480,800, of whom not more than 62,747 shall be commissioned officers.

(3) The Marine Corps, 177,000, of whom not more than 17,851 shall be commissioned officers.

(4) The Air Force, 424,400, of whom not more than 80,632 shall be commissioned officers.

SEC. 402. TEMPORARY VARIATION OF PERMANENT END STRENGTH LIMITATIONS FOR CERTAIN GRADES OF OFFICERS IN THE MARINE CORPS.

(a) VARIATION IN PERMANENT LIMITATIONS.—Notwithstanding the items relating to majors and lieutenant colonels of the Marine Corps in the table in section 523(a)(1) of title 10, United States Code, in the administration of the limitation in such section for a fiscal year referred to in the table in subsection (b) of this section with respect to commissioned officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel, the numbers applicable to such commissioned officers shall be the numbers set forth for such fiscal year in the table in subsection (b).

(b) TABLE.—The table referred to in subsection (a) is as follows:

"Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,577
1995	3,081	1,610
1996	3,139	1,643
1997	3,196	1,677.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 127,000.

(4) The Marine Corps Reserve, 42,200.

(5) The Air National Guard of the United States, 119,760.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,500.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary an end strength authorized by subsection (a) by not more than 2 percent above or below that authorized end strength.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 20,415.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,517.

(6) The Air Force Reserve, 648.

SEC. 413. TEMPORARY VARIATION OF PERMANENT END STRENGTH LIMITATIONS FOR AIR FORCE PERSONNEL SERVING ON ACTIVE DUTY IN CERTAIN GRADES IN SUPPORT OF THE RESERVE COMPONENTS.

(a) SENIOR ENLISTED MEMBERS.—Notwithstanding the items relating to pay grades E-8 and E-9 of the Air Force in the table in section 517(b) of title 10, United States Code, in the administration of the limitation in such section for fiscal year 1994 with respect to enlisted members of the Air Force serving on active duty in pay grades E-8 and E-9 for duty referred to in that section, the numbers applicable to such enlisted members are as follows:

(1) Grade E-8, 840.

(2) Grade E-9, 328.

(b) CERTAIN OFFICER GRADES.—Notwithstanding the items relating to lieutenant colonels and colonels of the Air Force in the table in section 524(a) of such title, in the administration of the limitation in such section for fiscal year 1994 with respect to commissioned officers of the Air Force serving on active duty in the grades of lieutenant colonel and colonel for duty referred to in that section, the numbers applicable to such commissioned officers are as follows:

(1) Lieutenant colonel, 636.

(2) Colonel, 274.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,711,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION.

(a) CREDIT UPON ORIGINAL APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(b) CREDIT UPON ORIGINAL APPOINTMENT AS RESERVE OFFICER IN THE ARMY.—Section 3353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in " at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(c) CREDIT UPON ORIGINAL APPOINTMENT AS OFFICER IN NAVAL RESERVE OR MARINE CORPS RESERVE.—Section 5600(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(d) CREDIT UPON ORIGINAL APPOINTMENT AS RESERVE OFFICER IN THE AIR FORCE.—Section 8353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

SEC. 502. ORIGINAL APPOINTMENT AS REGULAR OFFICERS CERTAIN RESERVE OFFICERS IN HEALTH PROFESSIONS.

Section 532 of title 10, United States Code, is amended by adding at the end the following:

"(e)(1) An original appointment as a commissioned officer (other than as a commissioned warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may given to a person referred to in paragraph (2) in accordance with subsection (a) without regard to the requirement in paragraph (2) of such subsection.

"(2) Paragraph (1) applies to a person who is a reserve commissioned officer of the Medical Corps, Medical Specialist Corps, Nurse Corps, or Veterinary Corps of the Army, a reserve commissioned officer in the Medical Corps or Nurse Corps of the Navy, or a reserve commissioned officer of the Air Force designated as a medical officer, biomedical science officer, or Air Force nurse.".

SEC. 503. TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

"§ 580a. Enhanced authority for selective early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the two-year period beginning on October 1, 1993, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33A of such title is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Effective as of September 29, 1993, section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

Subtitle B—Reserve Components

SEC. 511. LIMITED DELEGATION OF PRESIDENTIAL AUTHORITY TO ORDER SELECTED RESERVE TO ACTIVE DUTY.

(a) AUTHORITY TO ORDER THE SELECTED RESERVE TO ACTIVE DUTY.—Section 673b(a) of title 10, United States Code, is amended by striking out "when the President determines that it is necessary to augment the active forces for any operational mission, he" and inserting in lieu thereof "the President".

(b) MAXIMUM NUMBER SERVING ON ACTIVE DUTY CONCURRENTLY.—Section 673b(c) of such title is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), the number of members of the Selected Reserve that are on active duty at any one time under subsection (a) may not exceed 25,000.

"(2) When the President determines it necessary in order to augment the active forces for an operational mission, the number of members of the Selected Reserve that are on active duty at one time under subsection (a) may exceed 25,000 but may not exceed 200,000.".

SEC. 512. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) If the date of the enactment of this Act is after September 30, 1993, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 513. CONSISTENCY OF TREATMENT OF NATIONAL GUARD TECHNICIANS AND OTHER MEMBERS OF THE NATIONAL GUARD.

(a) FEDERAL RECOGNITION QUALIFICATIONS FOR TECHNICIANS.—Section 709 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title special qualifications applicable to technicians employed under subsection (a) that are not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

(b) MILITARY EDUCATION.—(1) Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1918, 1974; 32 U.S.C. 709 note) is repealed.

(2) Section 506 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1438; 32 U.S.C. 709 note) is repealed.

SEC. 514. EXCEPTION TO REQUIREMENT FOR 12 WEEKS OF BASIC TRAINING.

Section 671(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding paragraph (1) and section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)), under regulations prescribed in accordance with subparagraph (B), the Secretary concerned may establish a period of basic training (or equivalent training) shorter than 12 weeks for persons inducted, enlisted, or appointed in an armed force who have developed skills in the civilian sector that can be readily applied in the armed forces.

"(B) The Secretary of Defense shall prescribe regulations governing the implementation of the authority provided in subparagraph (A). The regulations shall apply uniformly to the military departments. The Secretary of Transportation shall prescribe regulations governing the implementation of the authority provided in subparagraph (A) for the Coast Guard when it is not operating as a service in the Navy.".

SEC. 515. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION REGARDING FEMALE MEMBERS OF THE MILITIA.—Section 311(a) of title 10, United States Code, is amended by inserting ", warrant officers, or enlisted members" after "female citizens of the United States who are commissioned officers".

(b) REPEAL OF REQUIREMENTS FOR PHYSICAL EXAMINATION OF NATIONAL GUARD MEMBERS CALLED INTO FEDERAL SERVICE.—(1)(A) Section 3502 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 341 of such title is amended by striking out the item relating to section 3502.

(2)(A) Section 8502 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 841 of such title is amended by striking out the item relating to section 8502.

(c) INCREASED PERIOD FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30 consecutive days" in the second sentence and inserting in lieu thereof "90 consecutive days".

(d) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF TECHNICIANS.—Subsection 709(e)(6) of title 32, United States Code, is amended by inserting after "termination of employment as a technician and" the following: ", unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment,".

(e) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS EMPLOYED CONCURRENTLY.—Subsection 709(h) of title 32, United States Code, is repealed.

(f) PERSONNEL AUTHORIZED TO MAKE UNSERVICEABILITY FINDINGS.—Subsection 710(f) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) in the first sentence, by striking out "of the Regular Army or the Regular Air Force, as the case may be,"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary shall designate a commissioned officer of the Regular Army, a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States, a commissioned officer of the Regular Air Force, or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States to conduct inspections and make findings for purposes of paragraph (1).".

SEC. 516. FREQUENCY OF PHYSICAL EXAMINATIONS OF MEMBERS OF THE READY RESERVE.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out "four years" and inserting in lieu thereof "five years".

Subtitle C—Service Academies

SEC. 521. CONGRESSIONAL NOMINATIONS.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are amended—

(1) in the sentence following paragraph (9), by striking out "a principal candidate and nine alternates" and inserting in lieu thereof "10 persons"; and

(2) by inserting after such sentence the following: "Nominees may be submitted without ranking, or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.".

SEC. 522. GRADUATION LEAVE.

Section 702(a) of title 10, United States Code, is amended by striking out "regular" in the first sentence.

SEC. 523. MANAGEMENT OF FACULTIES.

(a) IN GENERAL.—(1) Title 10, United States Code, is amended by inserting after chapter 111 the following new chapter:

"CHAPTER 112—MANAGEMENT OF FACULTIES OF THE SERVICE ACADEMIES

"Sec.
"2000. Academy defined.
"2000a. Faculty management.
"2000b. Requirement to report misconduct.

"§ 2000. Academy defined

"For purposes of this chapter, 'Academy' means the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy.

"§ 2000a. Faculty management

"(a) AUTHORITY OF SECRETARY OF DEFENSE.—The Secretary of Defense may, without regard to any other provision of law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian faculty of an Academy as the Secretary considers necessary to carry out the functions of the Academy;

"(2) appoint individuals to such positions; and

"(3) subject to section 5373 of title 5, fix the compensation of such individuals for service in such positions.

"(b) EXCLUSIVE AUTHORITY.—The authority of the Secretary to take an action under subsection (a) is exclusive.

"(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—To provide for the effective and efficient management of the civilian faculty of an Academy, such faculty shall be exempt from the following provisions of title 5:

"(1) Chapter 43, relating to performance appraisals.

"(2) Chapter 51, relating to classification.

"(3) Chapter 53, relating to pay rates and systems.

"(4) Section 5542, relating to overtime pay rates.

"(5) Chapter 61, relating to hours of work.

"§ 2000b. Requirement to report misconduct

"(a) REQUIREMENT.—Each officer and each civilian member of the teaching staff of an Academy shall report to the Superintendent of the Academy, or the Superintendent's designee, any fact that tends to evidence the commission of hazing or any violation of an Academy regulation by a cadet or midshipman.

"(b) FAILURE OF OFFICER TO REPORT.—Any officer who willfully fails to make a report required by subsection (a) shall be reassigned from duties involving the teaching or supervision of cadets or midshipmen and, at the request of the Superintendent, shall be reassigned from the Academy.

"(c) FAILURE OF CIVILIAN FACULTY MEMBER TO REPORT.—Subject to the approval of the Secretary of Defense, the Superintendent of an Academy shall remove any civilian member of the teaching staff of the Academy who willfully fails to make a report required by subsection (a).".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following:

"112. Management of faculties of the service academies ..... 2000".

(b) REPEAL OF SUPERSEDED LAW.—(1) Section 6965 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6965.

Subtitle D—Force Reduction Transition

SEC. 531. TEACHER AND TEACHER AIDE PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) REVISED DEADLINE FOR APPLICATIONS.—Section 1151(e)(1) of title 10, United States Code, is amended by striking out "before the date of the discharge or release" in the first sentence and inserting in lieu thereof "not later than one year after the discharge or release".

(b) DISCRETIONARY AUTHORITY TO MAKE GRANTS TO FACILITATE PLACEMENTS.—Paragraphs (1) and (2) of section 1151(h) of title 10, United States Code, are amended by striking out "shall offer" and inserting in lieu thereof "may offer".

(c) ELIGIBILITY OF MEMBERS NOT EDUCATIONALLY QUALIFIED FOR TEACHER PLACEMENT ASSISTANCE.—Section 1151 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within 5 years after discharge or release from active duty.";

(2) in subsection (e)(1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the applicant becomes educationally qualified.";

(3) by redesignating subsection (k) as subsection (l); and

(4) by inserting after subsection (j) the following new subsection (k):

"(k) IDENTIFICATION OF NCOs WITHOUT DEGREES AS CANDIDATES FOR ASSISTANCE.—The Secretary shall provide under the program for—

"(1) identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance; and

"(2) informing the noncommissioned officers so identified of the opportunity to qualify in accordance with subsection (c)(2) for teacher placement assistance under the program.".

SEC. 532. EXTENSION OF PERSONNEL MANAGEMENT AND BENEFITS TRANSITION AUTHORITIES.

(a) RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.—Sections 633, 634, 6383(a)(5), and 6383(i) of title 10, United States Code, are amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(b) EARLY RETIREMENT AUTHORITY FOR CERTAIN ACTIVE DUTY MEMBERS DURING ACTIVE FORCE DRAWDOWN.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2704; 10 U.S.C. 1293 note) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(c) GUARD AND RESERVE TRANSITION INITIATIVES.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2712; 10 U.S.C. 1162 note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "October 1, 1998".

(d) WAIVER OF SERVICE REQUIREMENT FOR CERTAIN RESERVISTS UNDER MONTGOMERY GI BILL.—Section 2133(b)(1)(B) of title 10, United States Code, and section 3012(b)(1)(B)(iii) of title 38, United States Code, are amended by striking out "September 30, 1995," and inserting in lieu thereof in each instance "October 1, 1998".

(e) PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1143a note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "October 1, 1998".

(f) SPECIAL SEPARATION BENEFITS FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS.—Section 1174a(h) of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1998".

(g) VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (d)(3) and (h)(6), by striking out "September 30, 1995" each place it appears and inserting in lieu thereof "September 30, 1998"; and

(2) in subsection (h)(7)(A), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1999".

(h) UNIFORM PROCESS FOR IMPLEMENTING REDUCTIONS IN STRENGTHS.—Section 402(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1544) is amended by striking out "five-year period" each place it appears and inserting in lieu thereof "eight-year period".

(i) TRAVEL AND TRANSPORTATION ALLOWANCES AND STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN MEMBERS BEING INVOLUNTARILY SEPARATED.—(1) Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v) and 406(g)(1)(C) of title 37, United States Code, are amended by striking out "five-year period" and inserting in lieu thereof in each instance "eight-year period".

(2) Section 503(c) of the National Defense Act Authorization Act for Fiscal Year 1991 (Public Law 101-510; 37 U.S.C. 406 note) is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(j) CONTINUED ENROLLMENT OF DEPENDENTS OF CERTAIN INVOLUNTARILY SEPARATED MEMBERS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)) is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(k) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(l) REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

SEC. 533. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO TRANSITION AUTHORITIES.

(a) RETENTION ON ACTIVE DUTY OF ENLISTED RESERVES WITH BETWEEN 18 AND 20 YEARS OF SERVICE.—Section 1176(b) of title 10, United States Code, is amended to read as follows:

"(b) RESERVE MEMBERS.—(1) A reserve enlisted member serving in an active status who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged or transferred from an active status is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged or transferred from an active status without the member's consent before the earlier of the following:

"(A) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(i) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(ii) the third anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(B) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(i) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(ii) the second anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(2) This subsection does not apply to members who are discharged or transferred from an active status for physical disability or for cause.".

(b) AUTHORITY TO ORDER EARLY RETIREES TO ACTIVE DUTY.—Section 688(a) of title 10, United States Code, is amended in the first sentence—

(1) by striking out "or" after "20 years of active service,"; and

(2) by inserting ", or a member of the Retired Reserve, the Fleet Reserve, or the Fleet Marine Corps Reserve who has been retired under the provisions of section 4403(b) of Public Law 102-484" after "Fleet Marine Corps Reserve".

Subtitle E—Other Matters

SEC. 541. ASSIGNMENTS OF WOMEN MEMBERS OF THE ARMED FORCES.

(a) REPEAL OF STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is repealed.

(b) ARMY ASSIGNMENTS.—(1) Part II of subtitle B of title 10, United States Code, is amended by inserting after chapter 345 the following new chapter:

"CHAPTER 346—ADMINISTRATION

"3591. Assignments of women members.

"§ 3591. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Army may prescribe the kinds of duties which women members of the Army shall be assigned and the military authority which such members shall exercise.".

(2) The tables of chapters at the beginning of subtitle B of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 345 the following:

"346. Administration ..... 3591".

(c) NAVY AND MARINE CORPS ASSIGNMENTS.—(1) Chapter 555 of title 10, United States Code, is amended by inserting after section 6014 the following new section 6015:

"§ 6015. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy may prescribe the kinds of duties which women members of the Navy and women members of the Marine Corps shall be assigned and the military authority which such members shall exercise.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 6015 and inserting in lieu thereof the following:

"6015. Assignments of women members.".

(d) AIR FORCE ASSIGNMENTS.—(1) Part II of subtitle D of title 10, United States Code, is amended by inserting after chapter 845 the following new chapter:

"CHAPTER 846—ADMINISTRATION

"3691. Assignments of women members.

"§ 8591. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may prescribe the kinds of duties which women members of the Air Force shall be assigned and the military authority which such members shall exercise.".

(2) The tables of chapters at the beginning of subtitle D of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 845 the following:

"846. Administration ..... 8591".

(e) NOTIFICATION REQUIREMENTS.—(1)(A) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives, on a day during which Congress is in session, any regulation that the Secretary proposes for the purposes of section 3591, 6015, or 8591 of title 10, United States Code, as added by this section. The Secretary may not issue the proposed regulation (or any modification of the proposed regulation) as a final regulation within the 60-day period beginning on the date on which the Secretary transmits the proposed regulation to such committees.

(B) For purposes of subparagraph (A), Congress is in session on a day during which either House of Congress is in session.

(C) A day on which both Houses of Congress are not in session shall not be counted in the computation of the 60-day period referred to in subparagraph (A).

(2) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives any regulation that the Secretary issues as a final regulation for the purposes of section 3591, 6015, or 8591 of title 10, United States Code, as added by this section. The final regulation may not become effective within the 90-day period beginning on the date on which the Secretary transmits the final regulation to such committees.

SEC. 542. REDUCTION IN THE MAXIMUM NUMBER OF YEARS TO BE ON TEMPORARY DISABILITY RETIRED LIST.

(a) IN GENERAL.—(1) Section 1210(b) of title 10, United States Code, is amended by striking out "five years" in the first sentence and inserting in lieu thereof "three years".

(2) Section 1210(h) of title 10, United States Code, is amended by striking out "five years" and inserting in lieu thereof "three years".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a member of the Armed Forces who is placed on a temporary disability retired list on or after such date.

SEC. 543. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) CLARIFICATION.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places it appears.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102-484 on October 23, 1992.

SEC. 544. AUTHORITY TO REDUCE ACTIVE DUTY SERVICE OBLIGATION INCURRED IN CONNECTION WITH ADVANCED EDUCATION ASSISTANCE.

Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary concerned, may at any time before October 1, 1998, modify an agreement described in subsection (a) to reduce the active duty service obligation specified in the agreement if the Secretary determines that it is in the best interests of the United States to do so. The Secretary shall reduce the amount required to be reimbursed to the United States proportionately with the reduction in the period of obligated active duty service.".

SEC. 545. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

SEC. 546. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 654. Policy concerning homosexuality in the armed forces

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

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings

under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 547. EMPLOYMENT OF RETIRED MEMBERS BY FOREIGN GOVERNMENTS.

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

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONGRESSIONAL CONSENT.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired personnel with newly democratic nations

"(a) CONGRESSIONAL CONSENT.—(1) Subject to subsection (b), Congress consents to a retired member of the uniformed services referred to in subsection (b)—

"(A) accepting employment by, or holding an office or position in, the armed forces of a newly democratic nation; and

"(B) accepting compensation associated with such employment, office, or position.

"(b) DETERMINATIONS AND APPROVAL REQUIRED.—(1) The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(2) The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member of the armed forces only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member of the uniformed services to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(d) RETIRED MEMBER DEFINED.—In this section, the term 'retired member of the uniformed services' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired personnel with newly democratic governments.".

(c) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

Subtitle B—Bonuses, Special Pay, and Incentive Pay

SEC. 611. MODIFICATION OF AUTHORITY RELATING TO PAYMENT OF CERTAIN SELECTED RESERVE BONUSES.

(a) BONUS FOR ENLISTMENT.—Section 308c(b) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount in excess of one-half of the bonus may be paid"; and

(2) in paragraph (2), by inserting ", if any," after "remainder".

(b) BONUS FOR ENTRY INTO AFFILIATION AGREEMENT.—Section 308e(c)(2) of title 37, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by designating the second sentence as subparagraph (B);

(3) in subparagraph (B), as so designated, by striking out "fifth anniversary" and inserting in lieu thereof "sixth anniversary"; and

(4) by adding at the end the following:

"(C) The Secretary concerned may pay in monthly installments a bonus authorized to be paid in a lump sum under this section. The Secretary concerned may determine the amount of the monthly installments. The Secretary concerned may pay a monthly installment authorized under this subparagraph for a month only if the person's service in the Selected Reserve for that month was satisfactory (as determined by such Secretary under regulations prescribed by the Secretary of Defense). The entitlement of a person to a portion of a bonus under this section that is not paid for a month by reason of the preceding sentence shall lapse.".

SEC. 612. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF CERTAIN BONUSES, PAYMENT OF OTHER SPECIAL PAY, AND REPAYMENT OF CERTAIN EDUCATION LOANS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10 United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(d) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(g) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(h) RESERVE ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g) and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(i) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALIST IN THE SELECTED RESERVE.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(j) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1995".

(k) ARMY ENLISTMENT BONUS.—(1) Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1992.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REIMBURSEMENT OF TEMPORARY LODGING EXPENSES.

(a) PERIODS COVERED.—Subsection (a) of section 404a of title 37, United States Code, is amended—

(1) in the second sentence, by striking out "four days" and inserting in lieu thereof "10 days"; and

(2) in the third sentence, by striking out "two days" and inserting in lieu thereof "five days".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Subsection (d) of such section is repealed.

SEC. 622. TREATMENT OF ADVANCE PAY PAID TO MEMBERS EVACUATED FROM HOMESTEAD AIR FORCE BASE.

Notwithstanding any other provision of law, the advance payments of pay for permanent change of station that were received by members of the uniformed services evacuated in August, 1992, from Homestead Air Force Base, Florida, because of Hurricane Andrew, shall be treated as having been paid as evacuation advance pay under the authority of section 1006(c) of title 37, United States Code.

Subtitle D—Matters Related to Retired Pay and Separation Benefits

SEC. 631. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid a special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

SEC. 632. STANDARDIZATION OF MINIMUM SERVICE REQUIREMENT FOR ELIGIBILITY FOR CERTAIN SEPARATION BENEFITS.

Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

SEC. 633. EXPANSION OF ELIGIBILITY FOR CERTAIN SEPARATION BENEFITS.

(a) SPECIAL SEPARATION BENEFITS PROGRAMS.—Section 1174a(c)(2) of title 10, United States Code, is amended by striking out "before December 5, 1991".

(b) VOLUNTARY SEPARATION INCENTIVE PROGRAM.—Section 1175(d)(1) of title 10, United States Code, is amended by striking out "before December 5, 1991".

SEC. 634. APPLICABILITY TO COAST GUARD RESERVE OF CERTAIN RESERVE COMPONENTS TRANSITION INITIATIVES.

(a) IN GENERAL.—Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2712) shall apply to members of the Coast Guard Reserve in the same manner and to the same extent as that subtitle applies to the reserve components of the Department of Defense. The Secretary of Transportation shall implement the provisions of that subtitle with respect to the Coast Guard Reserve.

(b) FUNDING.—Funds made available to the Department of Transportation shall be used to carry out the provisions of subtitle B of title XLIV of such Act with respect to the Coast Guard Reserve.

(c) PERIOD OF APPLICABILITY.—The provisions of subtitle B of title XLIV of such Act shall apply to members of the Coast Guard Reserve during the period beginning October 1, 1993, and ending on September 30, 1996.

(d) PROSPECTIVE ELIGIBILITY.—No member of the Coast Guard Reserve shall be eligible for any benefits provided under the provisions of subtitle B of title XLIV of such Act before the date of the enactment of this Act.

(e) SCOPE OF REFERENCE.—In this section, a reference to subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 includes the amendments made by sections 4417, 4419, and 4422 of such Act.

Subtitle E—Benefits for Former POWs and Other Members Held Captive

SEC. 641. PERMANENT AUTHORITY FOR CLAIMS BY FORMER PRISONERS OF WAR BASED ON VIOLATIONS OF GENEVA CONVENTIONS.

Section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g)(1) As used in the subsection, the term 'prisoner of war' means any person appointed, enrolled, enlisted, or inducted under competent authority as a member of the Armed Forces of the United States who was held in captivity as a prisoner of war during any period declared by the President or Congress to have been a period in which the Armed Forces were involved in conflict with a force hostile to the United States, except that such term does not include any member who, at any time, voluntarily, knowingly, and without duress gave aid to, collaborated with, or in any manner served such hostile force.

"(2)(A) The Commission may receive any claim referred to in subparagraph (B), determine the amount and validity of such claim according to law, and provide for payment of compensation for such claim.

"(B) A claim referred to in this subparagraph is any claim filed by a prisoner of war for compensation for the failure of a force hostile to the United States, or its agents, while holding such person as a prisoner of war, to furnish the prisoner of war with the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949.

"(C) A claimant shall bear the burden of proving the allegations contained in the claim.

"(D) Compensation shall be provided to any prisoner of war under this paragraph at the rate (as determined by the Commission) of one-half the average of the subsistence portion of the per diem rates paid worldwide by the Government to members of the Armed Forces for each day that the person was held as a prisoner of war and received food that, in quantity or quality, did not meet the requirements prescribed under the terms of the Geneva Convention.

"(3)(A) The Commission may receive, determine according to law the amount and validity of, and provide for the payment of any claim filed by any prisoner of war for compensation—

"(i) for the failure of a force hostile to the United States, or its agents, while holding such person as a prisoner of war, to meet the conditions and requirements prescribed under part III, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

"(ii) for inhumane treatment of the prisoner of war by the hostile force by which the prisoner of war was held, or its agents.

"(B) For purposes of subparagraph (A)(ii), the term 'inhumane treatment' includes the failure of a force hostile to the United States, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

"(C) Compensation shall be allowed to any prisoner of war under this paragraph at a rate not to exceed an amount equal to—

"(i) one-half of the average of the per diem rates paid worldwide by the Federal Government to members of the Armed Forces, minus

"(ii) one-half of the average of the subsistence portion of the per diem rates paid worldwide by the Federal Government to members of the Armed Forces,

for each day the person was held as a prisoner of war and with respect to which the person proves (in a manner acceptable to the Commission) the failure by a hostile force, or its agents to meet the conditions and requirements referred to in clause (i) of subparagraph (A) or proves (in a manner acceptable to the Commission) the inhumane treatment referred to in clause (ii) of such subparagraph (A).

"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to paragraph (10). Such claim shall be paid by the Secretary of the Treasury to the person entitled thereto, or, in the case of the death of such person, to the persons, and in the order of priority, established under subsection (d)(4).

"(5) Each claim filed under this subsection shall be filed not later than 3 years after the later of—

"(A) the date on which the prisoner of war filing the claim returns to the jurisdiction of the Armed Forces of the United States; or

"(B) in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States, the date on which the Secretary of Defense makes a determination that the prisoner of war has died or is presumed to be dead.

"(6)(A) The Commission shall make a determination with respect to the validity of each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which the claim is filed.

"(B) The Commission shall notify the person submitting a claim under this subsection of the determination of the Commission with respect to the validity of the claim. Such notification shall be sent by certified or registered mail, return receipt requested.

"(C) The failure of the Commission to make a determination of the validity of a claim within the one year period referred to in subparagraph (A), such be treated as a final denial of the claim by the Commission on that date.

"(7)(A) A claimant whose claim under this section was denied by the Commission (including a claimant whose claim is treated as denied under paragraph (6)(C)) may file in the United States Court of Federal Claims a complaint, motion, petition, or other appropriate pleading with the United States Court of Federal Claims alleging that the denial of such complaint was wrongful.

"(B) The claimant shall file such complaint, motion, petition, or other pleading not later than 2 years after the date of such final denial.

"(C) The Attorney General of the United States may arbitrate or settle by compromise or other settlement any claim cognizable under this subsection. Any such settlement is not competent evidence of liability or damages.

"(D) The amount of a settlement, judgment, or award in favor of a claimant under this paragraph may not exceed the amount sought by the claimant in the claim before the Commission on which an action under this paragraph is based unless the claimant alleges and proves facts not available or reasonably discoverable at the time of the determination of the validity of such claim by

the Commission that justify the award of an amount in excess of such amount.

"(E) Not more than 20 percent of the amount awarded under this paragraph to a claimant may be paid by or on behalf of the claimant to any attorney or agent for services rendered in connection with a claim under this paragraph.

"(8) The acceptance by a person of compensation or other award provided for or paid under this subsection shall constitute a full and complete release of any claim of the person against the United States by reason of any allegation stated in the claim.

"(9) Any claim allowed under the provisions of this subsection including claims allowed by the Court of Federal Claims shall be paid from funds appropriated pursuant to the authorization of appropriations in paragraph (10).

"(10) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including any amounts necessary for administrative expenses of the Commission.".

SEC. 642. MEMBERS ELIGIBLE FOR BENEFITS WHEN HELD CAPTIVE BY TERRORISTS.

(a) IN GENERAL.—Section 559(a)(1) of title 37, United States Code, is amended by striking out "if Congress provides to such a member, in an Act enacted after August 27, 1986, monetary payment in respect of such period of captivity".

(b) CLERICAL AMENDMENTS.—(1) The heading of section 559 of such title is amended to read as follows:

"§ 559. Benefits: members held as captives; victims of terrorist acts".

(2) The table of sections at the beginning of chapter 10 of such title is amended by striking out the item relating to section 559 and inserting in lieu thereof the following:

"559. Benefits: members held as captives; victims of terrorist acts.".

Subtitle F—Other Matters

SEC. 651. AUTHORITY TO LIMIT DIRECT PAYMENT OF PAY AND ALLOWANCES TO CERTAIN MEMBERS DURING WAR, HOSTILITIES, OR NATIONAL EMERGENCY.

(a) IN GENERAL.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end the following:

"§ 1015. Pay and allowances: limit on direct payment during period of war, hostilities, or national emergency

"(a) AUTHORITY TO LIMIT DIRECT PAYMENT.—The Secretary concerned may limit the direct payment of pay and allowances, or a portion thereof, to a member of the uniformed services serving on active duty in an area designated by the Secretary of Defense for the purposes of this subsection during a war, hostilities, or a national emergency declared by the President or Congress.

"(b) ALTERNATIVE PAYMENT AUTHORITY.—Any amount of pay and allowances due a member described in subsection (a) but not paid directly to such member by reason of the exercise of the authority provided in such subsection may, as directed by the member pursuant to regulations prescribed by the Secretary concerned—

"(1) be paid through allotments or assignments made by the member; or

"(2) be credited to the account of the member and paid to the member upon—

"(A) the end of the period referred to in subsection (a); or

"(B) the departure of the member from an area referred to in such subsection.

"(c) PROMPT PAYMENT REQUIREMENT.—The Secretary concerned shall ensure prompt payment of any pay and allowance due to be paid a member under subsection (b)(2)(B).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1015. Pay and allowances: limit on direct payment during period of war, hostilities, or national emergency.".

(b) CONFORMING AMENDMENT.—Section 1005 of such title is amended by striking out "Members" and inserting in lieu thereof "Except as provided in section 1015 of this title, members".

SEC. 652. LOSSES INCURRED AND GAINS REALIZED IN CONNECTION WITH HOUSING MEMBERS IN PRIVATE HOUSING ABROAD.

(a) PAYMENT OF LOSSES AND RECOUPMENT OF GAINS.—Section 405(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may, under such regulations as such Secretary may prescribe, make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Nonrecurring expenses for which a member may be reimbursed under this paragraph include losses sustained by the member on the refund of a rental deposit (or other deposit made by the member to secure housing) as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which such housing is located. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).

"(2) The Secretary concerned may recoup the full amount of a refunded deposit referred to in paragraph (1) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

SEC. 653. POSTPONEMENT OF PERFORMANCE OF CERTAIN TAX-RELATED ACTS FOR CERTAIN PERSONS SERVING IN CONTINGENCY OPERATIONS.

Section 7508(f) of the Internal Revenue Code of 1986 is amended to read as follows:

"(f) TREATMENT OF INDIVIDUALS PERFORMING CONTINGENCY OPERATION SERVICE.—

"(1) IN GENERAL.—Any individual who performs contingency operation service (and the spouse of such individual) shall be entitled to the benefits of this section in the same manner as if such service were service referred to in subsection (a).

"(2) CONTINGENCY OPERATION SERVICE.—For the purposes of this subsection, the term 'contingency operation service' means any service in the Armed Forces or in support of the Armed Forces if—

"(A) such service is performed in an area designated by the Secretary of Defense pursuant to regulations prescribed by the Secretary under this paragraph as a contingency operation area; and

"(B) such services are performed during a contingency operation (as such term is defined in section 101(a)(13) of title 10, United States Code.".

SEC. 654. BENEFITS FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES PENDING LOSS OF RIGHT TO RETIRED PAY AS A RESULT OF A COURT-MARTIAL.

(a) PAYMENT REQUIRED.—Subsection (h) of section 1408 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

"(10)(A) For purposes of this subsection, in the case of a member of the armed forces who has been sentenced by a court-martial to receive a punishment that will terminate the eligibility of that member to receive retired pay if executed, the eligibility of that member to receive retired pay shall be considered terminated effective upon the approval of that sentence by the court-martial convening authority.

"(B) If each form of the punishment that would result in the termination of eligibility to receive retired pay is later remitted, set aside, or mitigated to a punishment that does not result in the termination of that eligibility, a payment of benefits to the eligible recipient under this subsection that is based on the punishment so vacated, set aside, or mitigated shall cease. The cessation of payments shall be effective as of the first day of the first month following the month in which the Secretary of the military department concerned notifies the recipient of such benefits in writing that payment of the benefits will cease. The recipient may not be required to repay the benefits received before that effective date (except to the extent necessary to recoup any amount that was erroneous when paid).".

(b) ADMINISTRATION FOR THE COAST GUARD.—Subsection (h) of such section is amended—

(1) in paragraph (2)(A), by inserting after "Secretary of Defense" the following: "or, for the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation"; and

(2) in paragraph (8), by inserting before the period at the end the following: "or, in the case of the Coast Guard, out of funds appropriated to the Department of Transportation for payment of retired pay for the Coast Guard".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 23, 1992, and shall apply as if the provisions of the paragraph (10) of section 1408(h) of title 10, United States Code, added by such subsection were included in the amendment made by section 653(a)(2) of Public Law 102-484 (106 Stat. 2426).

SEC. 655. SENSE OF SENATE RELATING TO EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—(1) It is the sense of the Senate that the Secretary of Defense ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(2) In this subsection, the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) REPORT ON AREAS OF INEQUITABLE TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense submit a report to Congress—

(1) describing all provisions of law concerning pay and allowances for members of the Armed Forces in which members whose homes of record are outside the continental United States receive different treatment than members whose homes of record are in the continental United States; and

(2) containing recommendations to equalize such treatment.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. EXTENSION AND REVISION OF SPECIALIZED TREATMENT FACILITY PROGRAM AUTHORITY.

(a) AUTHORITY.—(1) Section 1105 of title 10, United States Code, is amended to read as follows:

"§ 1105. Specialized treatment facility program

"(a) PROGRAM AUTHORIZED.—The Secretary of Defense, in consultation with the other administering Secretaries, may conduct a specialized treatment facility program.

"(b) FACILITIES AUTHORIZED TO BE USED.—Under the program, the Secretary may designate health care facilities of the uniformed services and civilian health care facilities as specialized treatment facilities.

"(c) WAIVER OF NONEMERGENCY HEALTH CARE RESTRICTION.—Under the program, the Secretary of Defense may waive, with regard to the provision of a particular service, the 40-mile radius restriction set forth in section 1079(a)(7) of this title if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service.

"(d) CIVILIAN FACILITY SERVICE AREA.—For purposes of the program, the service area of a civilian health care facility designated pursuant to subsection (b) shall be comparable in size to the service areas of facilities of the uniformed services.

"(e) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—Under the program, a commanding officer of a facility of the uniformed services, in determining whether to issue a nonavailability of health care statement for a person entitled to health care in facilities of the uniformed services under this chapter, may consider the availability of health care services for such person pursuant to any contract or agreement entered into under this chapter for the provision of health care services.

"(f) PAYMENT OF COSTS RELATED TO CARE IN SPECIALIZED TREATMENT FACILITIES.—(1) Subject to paragraph (2), the Secretary of Defense, in connection with the treatment of a covered beneficiary under the program, may provide the following benefits:

"(A) Full or partial reimbursement of a member of the uniformed services for the reasonable expenses incurred by the member in transporting a covered beneficiary to or from a health care facility of the uniformed services or a civilian health care facility at which specialized health care services are provided pursuant to this chapter.

"(B) Full or partial reimbursement of a person (including a member of the uniformed services) for the reasonable expenses of transportation, temporary lodging, and meals (not to exceed a per diem rate determined in accordance with implementing regulations) incurred by such person in accompanying a covered beneficiary as a nonmedical attendant to a health care facility referred to in subparagraph (A).

"(C) In-kind transportation, lodging, or meals instead of reimbursements under subparagraph (A) or (B) for transportation, lodging, or meals, respectively.

"(2) The Secretary may make reimbursements or provide transportation, lodging, and meals under paragraph (1) in the case of a covered beneficiary only if the total cost to the Department of Defense of doing so and of providing the health care in such case is less than the cost to the Department of providing the health care to the covered beneficiary by other means authorized under this chapter.

"(3) In this subsection, the term 'covered beneficiary' means a person entitled to health care under this chapter.

"(g) REGULATIONS.—The Secretary of Defense, after consulting with the other administering Secretaries, shall prescribe regulations to carry out the specialized treatment facility program authorized in this section.

"(h) EXPIRATION OF PROGRAM.—The authority under this section shall expire at the end of September 30, 1995.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1105 and inserting in lieu thereof the following:

"1105. Specialized treatment facility program.".

(b) CONFORMING AMENDMENT.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that—" and all that follows and inserting in lieu thereof the following: "except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services;".

SEC. 702. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following:

"(o)(1) The Secretary of Defense may not provide a health care service under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) if such service is determined not medically or psychologically necessary by a peer review board acting under the CHAMPUS Peer Review Organization program.

"(2) The Secretary of Defense may, after consulting with the other administering Secretaries, adopt or adapt for use under the CHAMPUS Peer Review Organization program, as the Secretary considers appropriate, any of the quality and utilization review requirements and procedures that are utilized by the Peer Review Organization program under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).".

SEC. 703. FLEXIBLE DEADLINE FOR COMMENCEMENT OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.

Section 713(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2435; 10 U.S.C. 1073 note) is amended by inserting ", or as soon thereafter as is practicable" after "August 1, 1993".

SEC. 704. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 31, 1993" in the first sentence and inserting in lieu thereof "December 31, 1998".

SEC. 705. EXCLUSION OF EXPERIENCED MILITARY PHYSICIANS FROM MEDICARE DEFINITION OF NEW PHYSICIAN.

(a) CHARGES IN RURAL AREAS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1842(b)(4)(F)(i) of the Social Security Act (42 U.S.C. 1395u(b)(4)(F)(i)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any health care practitioner who before the practitioner's first year of practice has served at least four years as a health care practitioner in one of the uniformed services.".

(b) CHARGES BY NEW PHYSICIANS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1848(a)(4) of the Social Security Act (42 U.S.C. 1395w-4(a)(4)) is amended by inserting ", or to any physician who before the practitioner's first year of practice has served at least four years as a physician in one of the uniformed services" before the period at the end of the second sentence.

SEC. 706. ENROLLMENT IN THE DEPENDENTS' DENTAL PROGRAM BY CERTAIN MEMBERS RETURNING FROM OVERSEAS ASSIGNMENTS.

(a) IN GENERAL.—The Secretary of Defense shall revise the regulations applicable to the dependents' dental program established under section 1076a of title 10, United States Code, and the provisions of dental benefits plans established under that program, to the extent necessary to permit members of the uniformed services described in subsection (b) to enroll in a dental benefits plan under such program without regard to the length of the uncompleted portion of the member's period of obligated service.

(b) COVERED MEMBERS.—Subsection (a) applies with respect to a member of the uniformed services referred to in the first sentence of section 1076a(a)(1) of title 10, United States Code, who is reassigned from a permanent duty station where a dental benefits plan referred to in subsection (a) is not available to a permanent duty station where such a plan is available.

SEC. 707. SENSE OF SENATE ON THE PROVISION OF ADEQUATE MEDICAL CARE TO MILITARY RETIREES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should encourage increased use of physicians, dentists, and other health care professionals in the reserve components of the Armed Forces of the United States in order to provide retired military personnel with care under section 1074(b) of title 10, United States Code, while such members of the reserve components are performing active duty, full-time National Guard duty, or inactive-duty training consistent with other military training requirements.

(b) DEFINITIONS.—In this section:

(1) The term "retired military personnel" means persons who are eligible for medical and dental care under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard training", and "inactive-duty training" have the meaning given such terms in section 101(d) of such title.

SEC. 708. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory in Alaska. The series of medical studies referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold, and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) CONDUCT OF REQUIRED STUDY.—The study referred to in subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the study either—

(1) by entering into an agreement with an independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government funds to carry out the study in accordance with subsection (b).

(d) REPORT.—The Secretary of Defense or the head of the department or agency of the Federal Government carrying out the study shall submit to Congress a report on the results of the study. The report shall, at a minimum, include the following matters:

(1) Whether the series of studies referred to in subsection (a) was conducted in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1994, $150,000 for carrying out the study referred to in subsection (a).

TITLE VIII—ACQUISITION POLICY

Subtitle A—Defense Technology and Industrial Base, Reinvestment, and Conversion

SEC. 801. MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2525. Manufacturing Science and Technology Program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Manufacturing Science and Technology program. The Director of Defense Research and Engineering shall administer the program.

"(b) PURPOSE.—It shall be the purpose of the program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.

"(c) COMPONENTS.—The Secretary of Defense shall ensure that programs for manufacturing science and technology are established in the military departments, the Office of the Secretary of Defense, and the Defense Logistics Agency.

"(d) COMPETITION AND COST SHARING.—(1) Competitive procedures shall be used for awarding all contracts, grants, and cooperative agreements under the program.

"(2) At least 50 percent of the contracts, grants, and cooperative agreements shall be awarded on the basis of cost sharing arrangements involving significant contributions to the cost of the project from non-Federal Government sources.

"(3) A contract, grant, or cooperative agreement may not be awarded under this program on any basis other than a cost-shared basis unless the Secretary of Defense determines that the contract, grant, or cooperative agreement is for a program that—

"(A) is not likely to have immediate and direct commercial applications; or

"(B) is of sufficiently high risk to discourage cost sharing by non-Federal Government sources.

"(e) REVIEW AUTHORITY.—The Secretary of Defense may review any project proposed by the Congress to be awarded under the program on a basis that is inconsistent with paragraphs (1) and (2) of subsection (d) and may cancel any such project that the Secretary finds not to be in support of the national security requirements of the United States.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following:

"2525. Manufacturing Science and Technology Program.".

(b) FUNDING.—Of the amounts authorized to be appropriated under section 201, not more than $301,033,000 shall be available for the Manufacturing Science and Technology Program under section 2525 of title 10, United States Code (as added by subsection (a)), of which—

(1) not more than $20,000,000 shall be available for the Army;

(2) not more than $50,000,000 shall be available for the Navy;

(3) not more than $60,000,000 shall be available for the Air Force; and

(4) not more than $171,033,000 shall be available for the Defense Agencies.

SEC. 802. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, through the Director of Defense Research and Engineering, shall establish a University Research Initiative Support Program.

(b) PURPOSE.—Under the program, the Director shall award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of $1,000,000 in grants and contracts from the Department of Defense in the two fiscal years before the fiscal year in which the institution submits a proposal for such grant or contract.

(d) COMPETITION REQUIRED.—The Director shall use competitive procedures in awarding grants and contracts under the program.

(e) PROGRAM REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall prescribe directives for carrying out the program. The directives shall require a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code, and shall require that each person selected to participate in such a merit-based selection process be a member of the faculty or staff of an institution of higher education that is a member of the National Association of State Universities and Land Grant Colleges or the American Association of State Colleges and Universities.

(f) FUNDING.—Of the amounts authorized to be appropriated under section 201, not more than $50,000,000 shall be available for the University Research Initiative Support Program.

SEC. 803. OPERATING COMMITTEE OF THE CRITICAL TECHNOLOGIES INSTITUTE.

Section 822(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686(c)) is amended to read as follows:

"(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of five members as follows:

"(A) The Director of the Office of Science and Technology Policy, who shall chair the committee.

"(B) The Director of the National Institutes of Health.

"(C) The Director of the National Institute for Standards and Technology.

"(D) The Director of the Advanced Research Projects Agency.

"(E) The Under Secretary of Energy having responsibility for science and technology matters.

"(2) The Operating Committee shall meet not less than four times each year.".

SEC. 804. TARGETING DEFENSE CONVERSION FUNDS.

It is the sense of Congress that—

(1) defense conversion funds, including funds for community assistance and dislocated personnel, should serve to relieve distress in areas of the country that are the most adversely affected by reduced spending for national defense and by military base closures;

(2) in the determinations of whether applicants for defense conversion assistance meet applicable cost-sharing requirements, all non-Federal funds, including funds from States and from local sources, should be considered;

(3) by April 30, 1994 (with respect to activities during the first half of fiscal year 1994) and by October 31, 1994 (with respect to activities during the second half of fiscal year 1994), the Secretary of Defense should submit to Congress a report setting forth—

(A) the geographic distribution of the sources of all proposals received for defense conversion assistance and the geographic distribution of the defense conversion assistance awarded (in order to indicate the extent to which the policy in paragraph (1) is being carried out); and

(B) the number of proposals for defense conversion assistance received from small businesses and the number of awards of defense conversion assistance to small businesses (in order to provide a basis for determining whether sufficient opportunities exist for small businesses to receive an appropriate portion of defense conversion funds and whether the cost-sharing requirements for small businesses should be reduced); and

(4) by January 1, 1994, the Secretary of Defense should—

(A) submit to Congress any recommendations that, taking into consideration the experience with providing defense conversion assistance during fiscal year 1993, the Secretary considers appropriate regarding—

(i) what share of the costs of participating in a defense conversion program should be borne by non-Department of Defense sources; and

(ii) what, if any, changes should be made in the laws providing authority for defense conversion programs; and

(B) prescribe regulations to provide full credit for in-kind contributions of non-Department of Defense sources for purposes of defense conversion program cost-sharing requirements.

SEC. 805. SMALL BUSINESS PARTICIPATION.

(a) DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) SMALL BUSINESS PARTICIPATION.—(1) The Secretary shall ensure that small businesses and consortia involving one or more small businesses are afforded an opportunity to participate in the partnerships program.

"(2) The Secretary shall conduct seminars or similar programs for small businesses in order to disseminate information regarding the partnerships program widely to small businesses.

"(3) The Secretary shall establish a goal that at least 15 percent of the total amount appropriated for a fiscal year for partnerships under this section be expended for partnerships that involve small businesses or consortia involving one or more small businesses.

"(4) In this section, the term 'small business' has the meaning given the term 'small business concern' pursuant to section 3 of the Small Business Act (15 U.S.C. 632).".

(2) Not later than the date on which the President submits to Congress the budget for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a plan for achieving the goal required by subsection (g)(3) of section 2511 of title 10, United States Code, as added by paragraph (1)(B).

(b) SBA MEMBERSHIP ON THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Administrator of the Small Business Administration.".

Subtitle B—Acquisition Assistance Programs

SEC. 811. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) SCOPE OF REFERENCE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Subparagraph (B) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(B) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986;".

(b) DEFINITION OF MINORITY INSTITUTION.—Subparagraph (C) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(C) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1)) of such Act (20 U.S.C. 1059c(b)(1)).".

(c) AWARD ELIGIBILITY.—Section 2323(f)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of Defense shall prescribe regulations that prohibit awarding a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

(d) IMPLEMENTING REGULATIONS.—(1) The Secretary of Defense shall propose amendments to the Department of Defense Supplement to the Federal Acquisition Regulation that address the matters described in subsection (g) and subsection (h)(2) of section 2323 of title 10, United States Code.

(2) Not later than 15 days after the date of the enactment of this Act, the Secretary shall publish such proposed amendments in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). The Secretary shall provide a period of at least 60 days for public comment on the proposed amendments.

(3) The Secretary shall publish the final regulations not later than 120 days after the date of the enactment of this Act.

(e) FUNDING.—(1) Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

(2) Of the amount made available pursuant to paragraph (1), not more than $1,000,000 may be used to provide infrastructure assistance of the types described in section 2323(c)(3) of title 10, United States Code, to educational institutions that have student body enrollments equal to or greater than 51 percent of the student body enrollment standard under which such educational institution would qualify as a minority institution under section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

SEC. 812. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) PROCUREMENT TECHNICAL ASSISTANCE PROGRAM FUNDING.—Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 813. PILOT MENTOR-PROTEGE PROGRAM FUNDING AND IMPROVEMENTS.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title I of this Act, $50,000,000 shall be available for conducting the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note).

(b) REGULATIONS.—(1) The fifth sentence of section 831(k) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows: "The Department of Defense policy regarding the pilot Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.".

(2) The Secretary of Defense shall ensure that, within 30 days after the date of the enactment of this Act, the Department of Defense policy regarding the pilot Mentor-Protege Program, as in effect on September 30, 1993, is incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation as an appendix. Revisions to such policy (or any successor policy) shall be published and maintained in such supplement as an appendix.

(c) EQUITY CAPITAL INVESTMENT.—(1) Section 831(f)(6) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "10 percent" and inserting in lieu thereof "40 percent".

(2) The amendment made by paragraph (1) shall take effect as of October 1, 1991.

(d) EXTENSION OF PROGRAM ADMISSIONS.—Section 831(j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

Subtitle C—Other Matters

SEC. 821. REIMBURSEMENT OF INDIRECT COSTS OF INSTITUTIONS OF HIGHER EDUCATION UNDER DEPARTMENT OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Department of Defense reimbursements of allowable indirect costs incurred by an institution of higher education for work performed for the Department of Defense under a Department of Defense contract may not be limited by regulation to a maximum amount unless that same limitation is applied uniformly to all other organizations performing similar work for the Department of Defense under Department of Defense contracts.

(b) WAIVERS.—The governing body of an institution of higher education may waive the application of the prohibition in subsection (a) to such institution in order to simplify the overall management by that institution of cost reimbursements for contracts awarded to the institution.

(c) DEFINITIONS.—In this section:

(1) The term "allowable indirect costs" means costs that are generally considered allowable as indirect costs under regulations that establish the cost reimbursement principles applicable to an institution of higher education for purposes of Department of Defense contracts.

(2) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 822. PROHIBITION ON PURCHASE OF UNITED STATES DEFENSE CONTRACTORS BY ENTITIES CONTROLLED BY FOREIGN GOVERNMENTS.

Section 835(c)(1)(A) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2462; 50 U.S.C. App. 2170a) is amended by striking out "owned or controlled" and inserting in lieu thereof "controlled, either directly or indirectly,".

SEC. 823. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO ENTITIES CONTROLLED BY A FOREIGN GOVERNMENT.

(a) TERMINOLOGY AMENDMENT.—Subsection (a) of section 2536 of title 10, United States Code, is amended—

(1) by striking out "a company owned by"; and

(2) by striking out "that company" and inserting in lieu thereof "that entity".

(b) DEFINITION OF ENTITY CONTROLLED BY FOREIGN GOVERNMENT.—Subsection (c)(1)(A) of such section is amended by striking out "owned or controlled" and inserting in lieu thereof "controlled, either directly or indirectly,".

(c) CLERICAL AMENDMENTS.—(1) The section heading of such section is amended by striking out **"companies owned by an entity"** and inserting in lieu thereof **"entities"**.

(2) The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of title 10, United States Code, is amended to read as follows:

"2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government.".

SEC. 824. REPORTS BY DEFENSE CONTRACTORS ON DEALINGS WITH TERRORIST COUNTRIES AND NATIONALS OF TERRORIST COUNTRIES.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410i. Defense contractor transactions with terrorist countries and nationals of terrorist countries

"(a) REPORTS REQUIRED FROM CONTRACTORS.—(1)(A) The Secretary of Defense shall require that each person—

"(i) before entering into a contract with the Department of Defense to provide goods or services to the Department, report to the Secretary any commercial transactions which such person has conducted with any terrorist country or with any national of a terrorist country; and

"(ii) report to the Secretary any commercial transactions which such person conducts, during the period of the contract, with any terrorist country, or with any national of a terrorist country.

"(B) The requirement contained in subparagraph (A)(ii) shall be included in the contract with the Department of Defense.

"(b) ANNUAL REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to the Congress an annual report on defense contractor transactions with terrorist countries and nationals of terrorist countries.

"(2) The report shall contain the following matters:

"(A) A list of the persons who conducted commercial transactions with terrorist countries and nationals of terrorist countries during the year covered by the report, as reported pursuant to subsection (a).

"(B) The terrorist countries and nationals of terrorist countries with which such transactions were conducted.

"(C) The nature of the transactions.

"(c) DEFINITIONS.—In this section:

"(1) The term 'terrorist country' means a country the government of which the Secretary of State has determined pursuant to law, as of March 1, 1993, is a government that has repeatedly provided support for acts of international terrorism.

"(2) The term 'national' means, with respect to a terrorist country—

"(A) a natural person who is a citizen of such country; or

"(B) a corporation or other legal entity that is organized under the laws of that country, if natural persons who are citizens of that country own, directly or indirectly, 50 percent or more of the outstanding capital stock or other beneficial interest of such corporation or entity.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410i. Defense contractor transactions with terrorist countries and nationals of terrorist countries.".

(b) EFFECTIVE DATE.—Section 2410i of title 10, United States Code, shall take effect 60 days after the date of the enactment of this Act and shall apply to contracts entered into on or after the effective date of such section.

SEC. 825. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall issue regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations issued pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a warranted contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations issued pursuant to paragraph (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations issued pursuant to subsection (a) take effect.

SEC. 826. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PILOT DEMONSTRATION PROJECTS AND PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out pilot technology demonstration projects and prototype projects that are directly relevant to weapons or weapons systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (d)(2) and (d)(3) of such section 2371 shall not apply to pilot projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, utilize competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

SEC. 827. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the installation for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract, as determined by the installation commander. In addition, the contract may include a provision that requires the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the military department concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of a military department and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of a military department by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of each military department shall submit to the Secretary of Defense and Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

Subtitle D—Defense Acquisition Pilot Program

SEC. 831. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 832. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months.;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support and should usually be completed within 6 to 36 months and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent provided in legislation pursuant to subsection of (c)(1)(B) of section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for a defense acquisition program participating in the Defense Acquisition Pilot Program such sums as are necessary to carry out a phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of the Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) IN GENERAL.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and may provide an enhanced system of incentives, in accordance with applicable law, for the encouragement of excellence in the work force of a participating acquisition program.

(b) ENHANCED SYSTEM OF INCENTIVES.—The Secretary of Defense should consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of the Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of the Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C.

2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

Section 136(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.".

SEC. 902. RESPONSIBILITIES OF THE COMPTROLLER OF THE DEPARTMENT OF DEFENSE.

Section 137(c) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(6) in informing, in a timely manner, the Committees on Armed Services and on Appropriations of the Senate and House of Representatives regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Comptroller.".

SEC. 903. REPEAL OF TERMINATION OF REQUIREMENT FOR A DIRECTOR OF EXPEDITIONARY WARFARE.

Section 5038(e) of title 10, United States Code, is repealed.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

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

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. REVISION OF DATE FOR SUBMITTAL OF JOINT REPORT ON SCORING OF BUDGET OUTLAYS.

Section 226(a) of title 10, United States Code, is amended—

(1) by striking out "Not later than" and all that follows through "section 1105 of title 31", and inserting in lieu thereof "Not later than December 15 of each year"; and

(2) in paragraph (1), by striking out "that budget" and inserting in lieu thereof "the budget to be submitted to Congress in the following year pursuant to section 1105 of title 31".

SEC. 1003. DISCRETIONARY AUTHORITY OF THE COMPTROLLER GENERAL TO CONDUCT ANNUAL AUDITS OF THE ACCEPTANCE BY THE DEPARTMENT OF DEFENSE OF PROPERTY, SERVICES, AND CONTRIBUTIONS.

(a) PROPERTY AND SERVICES FROM FOREIGN COUNTRIES IN CONNECTION WITH MUTUAL DEFENSE OR OCCUPATION.—Section 2350g(d) of title 10, United States Code, is amended—

(1) by striking out "shall conduct" and inserting in lieu thereof "may conduct"; and

(2) by striking out "each such audit" and inserting in lieu thereof "each audit conducted under this subsection".

(b) CONTRIBUTIONS FOR DEPARTMENT OF DEFENSE USE.—Section 2608(i) of title 10, United States Code, is amended—

(1) by striking out "shall conduct" and inserting in lieu thereof "may conduct"; and

(2) by striking out "each such audit" and inserting in lieu thereof "each audit conducted under this subsection".

Subtitle B—Fiscal Year 1993 Authorization Matters

SEC. 1011. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $4,343,219,000 may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1993 defense appropriations except as otherwise provided in section 1012.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1993 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1993 defense authorizations.

(c) DEFINITIONS.—For the purposes of this subtitle:

(1) FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.—The term "fiscal year 1993 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993 in the Department of Defense Appropriations Act, 1993 (Public Law 102-396).

(2) FISCAL YEAR 1993 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1993 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1993 in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

SEC. 1012. LIMITATION ON OBLIGATION FOR CERTAIN UNAUTHORIZED APPROPRIATIONS.

(a) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—Amounts described in section 1011(b) may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which amounts were provided in fiscal year 1993 defense appropriations):

(1) The University Research Initiatives program under research, development, test, and evaluation for the Defense Agencies in the amount of $136,450,000.

(2) The C-20 aircraft program under aircraft procurement for the Navy in the amount of $25,000,000.

(3) The 105MM M490A1 tank cartridge program under ammunition for the Army in the amount of $20,000,000.

(4) The 155MM M107 artillery projectile program under ammunition for the Army in the amount of $35,000,000.

(5) The 155MM M203 propellant charge program under ammunition for the Army in the amount of $22,487,000.

(6) The LSV landing craft program under other procurement for the Army in the amount of $18,000,000.

(7) The Offshore Petroleum Delivery System under other procurement for the Navy in the amount of $22,000,000.

(8) The AN/SPS-48 radar program under other procurement for the Navy in the amount of $51,500,000.

(9) The HARM missile program under missile procurement for the Air Force in the amount of $113,700,000.

(10) The KC-135 reengining program under aircraft procurement for the Air Force, $87,174,000.

(11) The P-3 upgrade program for the Naval Reserve under procurement of National Guard and Reserve Equipment in the amount of $25,000,000.

(12) Operational Support Aircraft under procurement of National Guard and Reserve Equipment in the amount of $249,200,000 as follows:

(A) C-12J aircraft for Army Reserve, $42,300,000.

(B) C-20 aircraft for the Army Reserve, $27,000,000.

(C) C-23 aircraft for the Army National Guard, $60,000,000.

(D) C-26 aircraft for the Army National Guard, $23,000,000.

(E) C-212 aircraft for the Army National Guard, $57,900,000.

(F) P-180 aircraft for the Army National Guard, $16,000,000.

(G) C-26 aircraft for the Air National Guard, $23,000,000.

SEC. 1013. USE OF FISCAL YEAR 1993 AIR FORCE AIRCRAFT PROCUREMENT FUNDS FOR HIGHER PRIORITY PROGRAMS.

To the extent provided in appropriations Acts, the Secretary of the Air Force may use not more than $100,900,000 of the funds appropriated for the Air Force for fiscal year 1993 for procurement of aircraft in order to fund fiscal year 1994 programs of the Air Force having a higher priority than the aircraft procurement programs for which such funds are otherwise available.

SEC. 1014. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 for covering the incremental costs arising from Operation Restore Hope, Operation Provide Comfort, and Operation Southern Watch, and deficiencies in funding of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and for repairing flood damage at Camp Pendleton, California, $1,246,928 as follows:

(1) For Military Personnel:

For the Navy, $7,100,000.

(2) For Operation and Maintenance:

(A) For the Army, $149,800,000.

(B) For the Navy, $46,356,000.

(C) For the Marine Corps, $122,192,000.

(D) For the Air Force, $226,400,000.

(E) For the Defense Agencies, $2,000,000.

(F) For the Naval Reserve, $237,000.

(G) For Humanitarian Assistance, $23,000,000.

(H) For Real Property Maintenance, Defense, $29,098,000.

(I) For the Defense Health Program, $299,900,000.

(3) For Military Construction:

(A) For the Navy inside the United States, $3,000,000.

(B) For the Navy for family housing inside the United States, $4,345,000.

(4) For Working Capital Funds:

For the Defense Business Operations Fund, $293,500,000.

(b) NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.—During fiscal year 1993, sums in the National Security Education Trust Fund are authorized to be obligated in the total amount of $10,000,000.

Subtitle C—Joint Officer Personnel Matters

SEC. 1021. JOINT OFFICER PERSONNEL POLICY.

(a) FIVE-YEAR EXTENSION OF EXCEPTIONS TO REQUIREMENT OF JOINT DUTY ASSIGNMENT FOR PROMOTION TO GENERAL OR FLAG OFFICER.—Section 619(e) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (1), by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1999"; and

(2) in paragraph (2), by striking out subparagraph (E) and inserting in lieu thereof the following:

"(E) until January 1, 1999, in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for his service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.".

(b) SERVING-IN WAIVER.—Section 619(e) of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end of paragraph (2) the following:

"(F) in the case of an officer who has served at least 180 days in a joint duty assignment prior to the date of the convening of a selection board that recommends the officer for appointment to the grade of brigadier general or rear admiral (lower half), but only if that officer's total consecutive service in joint duty assignments within that same organization is not less than two years.".

(c) WAIVER FOR THE GOOD OF THE SERVICE.—Section 619(e)(3)(B) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, the Secretary of Defense may, on a case-by-case basis, delay the assignment of a general or flag officer to a joint duty assignment if an appropriate joint duty assignment is not available. An officer whose joint duty assignment has been so delayed may not be promoted to the grade of major general or rear admiral (upper half) until the officer completes a full tour of duty in a joint duty assignment.".

SEC. 1022. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—Notwithstanding subsection (e) of section 933 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2476; 10 U.S.C. 664 note), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, may give an officer credit for having completed a tour of duty in a joint duty assignment pursuant to the provisions of such section if—

(1) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps recommended (before the expiration of authority under subsection (e) of such section) that the officer be given such credit, credit was denied that officer or credit for less than a full tour was given that officer, and the Secretary determines that the decision not to give the credit or not to give greater credit, as the case may be, to such officer was incorrect; or

(2) the Secretary determines that the officer's ability to submit a timely request for consideration for such credit was impaired by involvement of the officer in an operational assignment and, as a result of the failure to submit a timely request, the officer was not recommended for such credit.

(b) CLARIFICATION OF INTENDED RELATIONSHIP BETWEEN CREDIT AND PROMOTIONS.—Section 933(a)(1) of such Act is amended by striking out "chapter 38" and inserting in lieu thereof "chapters 36 and 38".

(c) DURATION OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) expires at the end of the 60-day period beginning on the date of the enactment of this Act.

Subtitle D—Matters Relating to Reserve Components

SEC. 1031. REVIEW OF AIR FORCE PLANS TO TRANSFER HEAVY BOMBERS TO RESERVE COMPONENTS UNITS.

(a) REVIEW OF AIR FORCE PLANS.—(1) The Secretary of Defense shall review Air Force plans to transfer certain heavy bomber units from the active component of the Air Force to the reserve components of the Air Force.

(2) In carrying out the review, the Secretary shall consider the following matters:

(A) The compatibility of Air Force plans with the relevant results of the internal review of the Department of Defense (known as the "bottom-up review") being conducted during 1993 by direction of the Secretary of Defense.

(B) The effect that the transfer will have on the immediate availability of substantial numbers of heavy bombers for combat operations.

(C) The levels of full-time and part-time employees that will be necessary at reserve components units in order to provide adequate logistics and maintenance support for intensive and sustained heavy bomber operations.

(D) The requirements for additional military construction funding that will result from the transfer and relocation of heavy bomber operations.

(b) SECRETARY OF DEFENSE PLAN REQUIRED.—(1) The Secretary of Defense, in consultation with the Secretary of the Air Force, shall develop a comprehensive plan for proposed transfers of heavy bomber units from the active component of the Air Force to the reserve components of the Air Force. The plan shall cover the period beginning on the date of the enactment of this Act and ending January 1, 2000.

(2) The plan shall include the following matters:

(A) The unit designation of each active component unit from which heavy bombers are to be transferred.

(B) The unit designation of each reserve component unit to which such heavy bombers are to be transferred.

(C) The proposed date of inactivation of each active component unit transferring heavy bombers.

(D) The proposed date of activation of each reserve component unit receiving heavy bombers.

(E) The requirements at each reserve component unit receiving heavy bombers for additional Armed Forces personnel and civilian personnel, additional facilities for the bomber aircraft, additional military construction funds other than for facilities construction, additional spare parts, and additional logistics, maintenance, and test equipment beyond such resources that become available by reason of the inactivation of the active component unit.

(c) REPORTING REQUIREMENTS.—Not later than March 31, 1994, the Secretary shall submit to the congressional defense committees—

(1) a report on the results of the review required under subsection (a), and

(2) the plan required under subsection (b).

SEC. 1032. REQUIREMENT FOR TRANSFER OF AIR REFUELING AIRCRAFT TO RESERVE COMPONENTS OF THE AIR FORCE.

The Secretary of the Air Force shall transfer from active component squadrons of the Air Force to two Air National Guard or Air Force Reserve squadrons operating KC-135E aircraft a number of KC-135R aircraft that is sufficient to modernize such squadrons.

Subtitle E—International Peacekeeping Activities

SEC. 1041. GENERAL AUTHORIZATION OF SUPPORT FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZED SUPPORT FOR FISCAL YEAR 1994.—The Secretary of Defense may provide assistance for international peacekeeping activities during fiscal year 1994, in accordance with section 403 of title 10, United States Code, in an amount not to exceed $300,000,000. Notwithstanding the second sentence of subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1994 for operation and maintenance or from balances in working capital funds.

(b) EXTENSION OF AUTHORITY.—Section 403(h) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 1042. REPORT ON MULTINATIONAL PEACEKEEPING AND PEACE ENFORCEMENT.

(a) REPORT REQUIRED.—Not later than the date on which the President submits to Congress the budget for fiscal year 1995 under section 1105 of title 31, United States Code, the President, after consultation with the Secretary of State and the Secretary of Defense, shall submit to the Committees on

Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on United States policy on multinational peacekeeping and peace enforcement.

(b) CONTENT OF REPORT.—The report shall contain a comprehensive analysis and discussion of the following matters:

(1) Criteria for participation by the United States in multinational missions through the United Nations, North Atlantic Treaty Organization, or other regional alliances and international organizations.

(2) Proposals for expanding peacekeeping activities by the North Atlantic Treaty Organization and the North Atlantic Cooperation Council, including joint operations, joint training, and joint doctrine development.

(3) A summary of progress made by the United States, in consultation with other nations, to develop joint doctrine for peacekeeping and peace enforcement operations, and plans to conduct joint exercises with other nations for such purposes.

(4) The principles guiding decisions to place United States forces under foreign command.

(5) Proposals to establish opportunities within the Armed Forces of the United States for voluntary duty in units designated for assignment to multinational peacekeeping and peace enforcement missions.

(6) Proposals to modify the budgetary and financial policies of the United Nations for peacekeeping and peace enforcement missions, including—

(A) proposals regarding the structure and control of budgetary procedures;

(B) proposals regarding United Nations accounting procedures; and

(C) specific proposals—

(i) to establish a revolving capital fund to finance the costs of starting new United Nations operations approved by the Security Council;

(ii) to establish a requirement that United Nations member nations pay one-third of the anticipated first-year costs of a new operation immediately upon Security Council approval of that operation;

(iii) to establish a requirement that United Nations member nations be charged interest penalties on late payment of their assessments for peacekeeping or peace enforcement missions; and

(iv) regarding possible sources of international revenue for United Nations peacekeeping and peace enforcement missions.

(7) Proposals to establish a small United Nations Rapid Deployment Force under the direction of the United Nations Security Council in order to provide for quick intervention in disputes for the purpose of preventing a larger outbreak of hostilities.

(8) Congressional authorization and approval requirements for participation of United States forces in multinational peacekeeping and peace enforcement missions, including the applicability of the War Powers Resolution.

(9) Proposals that the United States and other United Nations member nations negotiate special agreements under article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the United Nations Security Council for the purposes stated in article 42 of that charter, not only on an ad hoc basis, but also on a permanent on-call basis for rapid deployment under Security Council authorization.

(10) A proposal that member nations of the United Nations commit to keep equipment specified by the Secretary General of the United Nations available for immediate sale, loan, or donation to the United Nations when required.

(11) A proposal that member nations of the United Nations make airlift and sealift capacity available to the United Nations without charge or at lower than commercial rates.

(12) An evaluation of the current capabilities and future needs of the United Nations for improved command, control, communications, and intelligence infrastructure, including facilities, equipment, procedures, training, and personnel, and an analysis of United States capabilities and experience in such matters that could be applied or offered directly to the United Nations.

(13) An evaluation of the potential role of the Military Staff Committee of the United Nations Security Council.

(14) Any other information that may be useful to inform Congress on matters relating to United States policy and proposals on peacekeeping and peace enforcement missions.

Subtitle F—Matters Relating to Allies and Other Nations

SEC. 1051. BURDEN SHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350j. Burden sharing contributions by Japan, Kuwait, and Korea

"(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Notwithstanding section 1306 of title 31, the Secretary of Defense, in consultation with the Secretary of State, may accept cash contributions from Japan, Kuwait, and the Republic of Korea for the purposes specified in subsection (c).

"(b) CREDITS.—Contributions accepted under subsection (a) shall be credited to appropriations of the Department of Defense. The contributions so credited shall be merged with the appropriations to which credited.

"(c) AVAILABILITY OF CONTRIBUTIONS.—Contributions accepted under subsection (a) shall be available only for payment of the following costs associated with facilities used by the armed forces:

"(1) Compensation for local national employees of the Department of Defense.

"(2) Military construction projects of the Department of Defense, in accordance with subsection (d).

"(3) Supplies and services for the Department of Defense.

"(d) AUTHORIZATION OF MILITARY CONSTRUCTION.—Contributions credited under subsection (b) to an appropriation account of the Department of Defense may be used—

"(1) by the Secretary of Defense to carry out a military construction project that is consistent with the purposes for which the contribution was made and is not otherwise authorized by law; or

"(2) by the Secretary of a military department, with the approval of the Secretary of Defense, to carry out such a project.

"(e) NOTICE AND WAIT REQUIREMENTS.—(1) When a decision is made to carry out a military construction project under subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report containing—

"(A) an explanation of the need for the project;

"(B) the then current estimate of the cost of the project; and

"(C) a justification for carrying out the project under that subsection.

"(2) The Secretary of Defense or the Secretary of a military department may not commence a military construction project under subsection (d) before the expiration of the 21-day period beginning on the date on which the Secretary of Defense submits the report regarding the project in accordance with paragraph (1).

"(f) REPORTING REQUIREMENT.—Not later than 30 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report specifying separately for Japan, Kuwait, and the Republic of Korea—

"(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under this section;

"(2) the purposes for which the contributions were made;

"(3) the amount of the contributions expended during the preceding fiscal year; and

"(4) the purposes for which the contributions were expended.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350j. Burden sharing contributions by Japan, Kuwait, and Korea.".

SEC. 1052. DEFENSE CONVERSION AND REINVESTMENT; EXPORT LOAN GUARANTEES.

(a) AUTHORITY FOR PROVIDING LOAN GUARANTEES.—(1) During fiscal year 1994, the President may issue guarantees for the sale of defense articles and defense services to the member nations of the North Atlantic Treaty Organization and to Israel, Australia, Japan, and the Republic of Korea. The aggregate amount guaranteed under this section in such fiscal year may not exceed $1,000,000,000.

(2) In issuing medium- and long-term guarantees for sales pursuant to paragraph (1), the President shall not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(3) The authority of this subsection may be exercised only to such extent and in such amounts as is provided for in advance in appropriations Acts.

(b) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1994, $25,000,000 for the subsidy cost of the loan guarantees issued under this section.

(2) Funds authorized to be available for the Export-Import Bank of the United States may not be used for the execution of the program under this section.

(c) EXECUTIVE AGENCY.—The Department of Defense shall be the executive agency for administration of the program under this section unless the President, in consultation with the Congress, designates another agency to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as are necessary with other agencies to process the applications and otherwise to implement the program under this section.

(d) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the program under this section. All

fees collected in connection with guarantees issued under the program shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(e) INTERAGENCY REVIEW PROCESS.—The issuance of loan guarantees for defense exports under this section shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

(f) NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (e), the National Security Council shall review the proposed defense sale and determine that it is in accord with United States security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

(g) DEFINITIONS.—In this section, the terms "defense articles", "defense services", and "defense articles and defense services" have the meanings given those terms, respectively, in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SEC. 1053. FINDINGS REGARDING DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Congress makes the following findings:

(1) The President has made a commitment to maintain the qualitative superiority of the Israeli Defense Forces over any combination of adversary armed forces.

(2) The President has expressed a desire to enhance United States-Israeli military and technical cooperation, particularly in the areas of missile defense, counter-proliferation of weapons of mass destruction, and counter-proliferation of ballistic missiles.

(3) Maintaining the qualitative superiority of the Israeli Defense Forces and strengthening United States defense ties with Israel will help to ensure that Israel has the military strength and political support necessary for taking risks for peace while providing Arab states with an incentive to pursue negotiations instead of war.

(4) The establishment of the United States Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group is in the interest of both the United States and Israel.

(5) It is in the national interests of the United States and Israel for the organizations referred to in paragraph (4) to work to strengthen existing mechanisms for cooperation and to eliminate barriers to further collaboration between the United States and Israel.

(6) Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

SEC. 1054. DEFENSE BURDENSHARING.

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

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to consult with East Asian allies, and to develop a plan, regarding gradually reducing the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of more than 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to offset more of the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the Infrastructure Program could pay the annual operation and maintenance costs of facilities that would support the reinforcement of Europe by United States military forces.

(b) FUNDING REDUCTIONS.—(1) The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) to conduct overseas basing activities during fiscal year 1994 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $1,355,500,000.

(2) For purposes of paragraph (1), the baseline for fiscal year 1993 is the sum of the amounts that were made available for overseas basing activities out of the amounts appropriated for such fiscal year for the following purposes:

(A) Operation and maintenance.

(B) Family housing, operations.

(C) Family housing, construction.

(D) Military construction (including NATO Infrastructure).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal year 1995 and in future fiscal years as—

(1) the number of United States military personnel stationed overseas continues to decline; and

(2) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(d) BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to achieve additional savings in overseas basing costs, the President should intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of

United States military installations in the country.

Subtitle G—Other Matters

SEC. 1061. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

Section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is amended by adding at the end the following new paragraph:

"(10) Aerial and ground reconnaissance.".

SEC. 1062. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

(a) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (c) a report entitled "Manpower Required to Implement Export Controls on Certain Weapons Transfers".

(b) CONTENT OF REPORT.—The report shall contain the following matters:

(1) A clear statement of the role of the Department of Defense, and a clear statement of the role of the Department of Energy, in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(2) A discussion of the number and skills of personnel currently available in the Department of Defense and the Department of Energy to perform the respective roles of such department.

(3) An assessment of the adequacy of the number and skills of such personnel for the effective performance of such roles.

(4) For each of fiscal years 1988, 1989, 1990, 1991, 1992, 1993, and 1994, the total number of Department of Defense and Department of Energy full-time employees and military personnel who, in the implementation of export controls on goods and technology related to nuclear, chemical, and biological weapons, carry out the following activities of such department:

(A) Review of private sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technical review.

(5) For each fiscal year referred to in paragraph (4), the grades of the personnel referred to in that paragraph and the special knowledge, experience, and expertise of such personnel that enable such personnel to carry out the activities referred to in that paragraph.

(6) An assessment of the adequacy of the staffing in each of the categories specified in subparagraphs (A) through (E) of paragraph (4).

(7) Recommendations concerning measures, including any legislation necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(8) All Department of Defense activities undertaken during fiscal years 1989, 1990, 1991, 1992, and 1993 in fulfillment of the responsibilities of the Department of Defense under section 602(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 96-280; 22 U.S.C. 3282(c)) with respect to nuclear weapons proliferation threats and the role of the department in addressing such threats.

(c) SUBMISSION OF REPORT.—The Secretary of Defense and the Secretary of Energy shall submit the report to—

(1) the Committees on Armed Services and on Governmental Affairs of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

(d) FORM OF REPORT.—The report shall be submitted in unclassified form but may also be submitted in classified form if the Secretary of Defense and the Secretary of Energy consider it necessary to include classified information in order to satisfy fully the requirements of this section.

SEC. 1063. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM AMENDMENTS.

Section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2519; 32 U.S.C. 501 note) is amended—

(1) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the program in such States as he determines to be appropriate.";

(2) in subsection (d)(3), by striking out "reimburse" and inserting in lieu thereof "provide funds to";

(3) in subsection (*l*), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia."; and

(4) in subsection (m)—

(A) by inserting "(1)" after "(m);

(B) by striking out "for fiscal year 1993"; and

(C) by adding at the end the following new paragraph:

"(2) Notwithstanding section 9003 of Public Law 102-396 (106 Stat. 1900), of the total amount appropriated for fiscal year 1993 for operation and maintenance for the Army National Guard, for operation and maintenance for the Air National Guard, for the National Guard Civilian Youth Opportunities Pilot Program, for National Guard Civilian Youth Opportunities, Urban Youth Program and Youth Conservation Corps Camps, and the STARBASE youth education program, $49,000,000 shall remain available for obligation for such purposes and programs until the enactment of an Act appropriating funds for the Department of Defense for fiscal year 1995.".

SEC. 1064. CIVILIAN FACULTY OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599. George C. Marshall European Center for Security Studies: civilian faculty members

"(a) AUTHORITY OF THE SECRETARY.—The Secretary of Defense may employ as many civilians as directors, deans, professors, scholars, instructors, researchers, and lecturers at the George C. Marshall European Center for Securities Studies as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599. George C. Marshall European Center for Security Studies: civilian faculty members.".

SEC. 1065. ADMINISTRATIVE IMPROVEMENTS IN GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

(a) TERMS OF OFFICE OF FOUNDATION MEMBERS.—Section 1404(c)(1) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661; 20 U.S.C. 4703) is amended—

(1) by striking out ", and" at the end of subparagraph (A) and inserting in lieu thereof a semicolon;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(C) notwithstanding the term limitation provided for under this paragraph, any member appointed under this paragraph may serve under such appointment until the successor to such member is appointed.".

(b) LEASE AUTHORITY.—Section 1411(a)(7) of such Act (20 U.S.C. 4710(a)(7)) is amended by striking out "District of Columbia" and inserting in lieu thereof "the Washington, District of Columbia, metropolitan area".

SEC. 1066. U.S.S. INDIANAPOLIS MEMORIAL, INDIANAPOLIS, INDIANA.

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

(1) That, on July 30, 1945, among the closing days of World War II, the U.S.S. Indianapolis (CA-35) was sunk as a result of a torpedo attack on that ship.

(2) That the memorial to the U.S.S. Indianapolis (CA-35) located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, will honor the personal sacrifice of the 1,197 servicemen who were aboard the U.S.S. Indianapolis (CA-35) on that day, 881 of whom died as one of the greatest single combat losses suffered by the United States Navy in World War II.

(3) That the memorial will pay fitting tribute to that gallant ship and its final crew, and will forever commemorate the place of the U.S.S. Indianapolis in United States Navy history as the last major ship lost in World War II.

(4) That, as a memorial to the last major ship lost by the United States Navy in World War II, the memorial to the U.S.S. Indianapolis will rank in importance with the memorial to the U.S.S. Arizona (BB-39), one of the first ships lost by the United States Navy in World War II.

(5) That the memorial to the U.S.S. Indianapolis symbolizes the devoted service of the United States Navy and Marine Corps personnel, particularly those who lost their lives at sea in the Pacific Theater during World War II, whose dedication and sacrifice in the cause of liberty and freedom were instrumental in the triumph of the United States in that war.

(6) That the citizens of the United States have a continuing obligation to educate future generations about the military and other historic endeavors of this great Nation.

(b) RECOGNITION AS A NATIONAL MEMORIAL.—The memorial to the U.S.S. Indianapolis (CA-35) in Indianapolis, Indiana, is hereby recognized as the national memorial to the U.S.S. Indianapolis (CA-35) and to the final crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARDS SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation

Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

SEC. 1068. SENSE OF THE CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION WITHIN THE DEPARTMENT OF COMMERCE.

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

(1) The available Federal resources for defense economic adjustment and conversion assistance are spread among 23 different Federal departments and agencies.

(2) Numerous other Federal departments and agencies are involved in related technology reinvestment activities.

(3) Workers and communities adversely affected by closures of military installations or decreased spending for national defense often experience difficulty finding which Federal department or agency is appropriate for providing assistance needed by such workers and communities.

(4) Expanded coordination between Federal departments and agencies could greatly improve Federal efforts to assist in defense economic adjustment and conversion.

(b) SENSE OF CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is the sense of the Congress that the President should work with the Congress to establish within the Department of Commerce an Office of Economic Conversion Information which, under the joint direction of the Secretary of Commerce and the Secretary of Defense, would—

(1) serve as an information clearinghouse to provide comprehensive information regarding assistance for communities, workers, and businesses that have been adversely affected by closures of military installations and reduced spending for national defense;

(2) enhance and consolidate existing programs for collecting and disseminating information regarding defense economic adjustment and conversion;

(3) be widely publicized as the central point of access for the public on issues related to defense economic adjustment and conversion;

(4) develop data bases of information, to be available to help communities, businesses, and workers dependent on spending for national defense identify and apply for assistance from Federal departments and agencies, including—

(A) comprehensive listings and summaries of all major Federal, State, and local economic adjustment and conversion programs;

(B) a data base listing information available to the public regarding major defense contract terminations and closures of military installations and identifying affected communities, industries, and jobs;

(C) listings and summaries of defense conversion attempts and successes; and

(D) relevant reference lists and bibliographies;

(5) provide information to communities, workers, and businesses by such easily accessible and easily used means as toll-free telephone information lines, inexpensive and frequently updated manuals and other print materials, workshops on clearinghouse services, and on-line computer access to clearinghouse information;

(6) facilitate a series of community roundtables, involving consultation and briefings with communities, workers, and businesses adversely affected by closures of military installations and reduced spending for national defense, to be held annually in all major regions of the United States so affected; and

(7) establish a mechanism, coordinated by the Secretary of Commerce and the Secretary of Defense, to ensure adequate cooperation between all Federal departments and agencies that oversee defense economic adjustment and conversion assistance programs.

(c) SENSE OF CONGRESS REGARDING EVALUATION AND FUNDING OF THE OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is further the sense of Congress that—

(1) after the Office of Economic Conversion Information has been in operation for three years, the Secretary of Commerce and the Secretary of Defense should jointly conduct a comprehensive evaluation of the operations of such office and consider whether the purpose of the office should be modified or the office should be terminated; and

(2) the operating expenses for the Office of Economic Conversion Information should not exceed $5,000,000 for each of the first three full fiscal years in which the office is in operation.

SEC. 1069. TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by section (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1070. TRANSPORTATION OF CARGOES BY WATER.

Chapter 157 of title 10, United States Code, is amended by inserting a new section 2631a, as follows:

"§ 2631a. Contingency planning

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

"(c) CERTIFICATION REQUIREMENT.—The Secretary shall submit to the Secretary of Transportation, not less often than annually, a certification of compliance with the requirements of subsection (b).".

SEC. 1071. BURIAL OF REMAINS AT ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY.—Under regulations prescribed by the Secretary of the Army, former prisoners of war who, having served honorably in active military, naval, or air service (as determined in accordance with such regulations), die on or after the date of the enactment of this Act shall be eligible for burial in Arlington National Cemetery, Virginia.

(b) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery any former prisoner of war who was eligible before the date of the enactment of this Act to be buried in such cemetery.

(c) DEFINITION.—In this section, the term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

SEC. 1072. SENSE OF THE CONGRESS REGARDING THE JUSTIFICATION FOR CONTINUING THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) FINDINGS.—(1) There is a need to reevaluate all defense spending in light of the post-Cold War era and budget and fiscal constraints;

(2) The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union;

(3) The threat of nuclear war has greatly diminished since the collapse of the Soviet Union;

(4) The ELF System is increasingly in use for communications with our SSN attack submarines in addition to our strategic missile submarines;

(5) Military base closing, downsizing of military facilities and activities, and termination of selected projects are appropriate in light of the end of the Cold War and the approximately $4,000,000,000,000 national debt;

(6) It is appropriate to establish funding priorities within the military defense budget; and

(7) Ongoing studies of the effects of ELF operations on human health and the environment are due to be concluded next year.

(b) SENSE OF CONGRESS.—Now, therefore, it is the sense of Congress that—

(1) the Secretary of Defense should conduct an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and alternatives thereto, if any;

(2) the results of such an evaluation should be submitted to the Congressional Defense Committees prior to consideration of the fiscal year 1995 Defense budget request; and

(3) the Extremely Low Frequency Communication System should again be considered in the next round of military base closures.

SEC. 1073. BASING FOR C-130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C-130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1074. IMPORTANCE OF NAVAL OCEANOGRAPHY SURVEY AND RESEARCH IN THE POST-COLD WAR PERIOD.

(a) The Senate finds that—

(1) the Oceanographer of the Navy is responsible for the all Navy oceanographic research and survey efforts;

(2) oceanographic research and surveys are critical investments in the Navy's ability to operate in littoral waters of the world with an increased confidence of operational success;

(3) oceanographic surveys enable the Navy to conduct naval operations in greater safety, particularly in littoral waters;

(4) the survey of littoral waters is most safely conducted during periods of peace when conflict is not imminent and the risk to lives and ships are diminished;

(5) the Navy has reduced their oceanographic research and survey effort by almost 50 percent over the last five years;

(6) this reduction in effort is the result of undistributed budget reductions required by the Comptroller of the Navy to meet overall Navy budget targets;

(7) the number of naval ships dedicated to oceanographic survey and research have been reduced from 12 to 7 over the last five years, significantly reducing the Navy's oceanographic survey capability;

(b) Therefore, it is the sense of the Congress that—

(1) additional reductions to the Office of the Oceanographer of the Navy which will further reduce the level of oceanographic survey and research efforts of the Navy should be avoided;

(2) a window of opportunity exists which allows near unencumbered access to littoral waters which are now available for surveying and research;

(3) committing limited resources to the Navy's oceanographic research and survey effort should be considered a force multiplier to United States combat forces in future conflicts, particularly in littoral waters;

(4) the Navy should exploit this opportunity to survey and research these critical littoral waters and maintain funding levels for oceanographic surveying and research.

SEC. 1075. DIGITAL ELECTRONIC DEVICES.

Of the funds authorized to be appropriated pursuant to section 201(1), $24,000,000 may be obligated and expended for the purposes of demonstrating in field maneuvers the integration of digital electronic devices for purposes of command, control, battle management and combat identification for all major weapon systems contained in a combined arms brigade.

SEC. 1076. RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS OF ARMED SERVICES PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

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

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to chemical, biological, radiological, or other hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Members of the Armed Forces of the former Czechoslovakian Federative Republic who served on a chemical decontamination team in Southwest Asia during the period of the Persian Gulf War have claimed exposure to chemical agents during such service, and the Czech Minister of Defense has confirmed that members of that chemical decontamination team detected low levels of nerve gas in that region during that period.

(3) Reports indicate that members of the United States Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to combined chemical warfare agents and other hazardous agents and substances during such service.

(4) Such exposure may have occurred directly as a result of attack on such members by Iraqi forces or indirectly as a result of prolonged "downwind" exposure to airborne chemical warfare agents or other hazardous substances that were dispersed as a consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(5) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) one of the threats to international peace and to the interests of the United States in the post-Cold War era is the proliferation of weapons utilizing chemical, biological, radiological, or other hazardous agents or materials;

(2) the readiness of the United States to engage in future military conflicts will be directly related to the capability of the United States—

(A) to identify the threat to members of the Armed Forces posed by the utilization of such weapons and the agents and materials utilized in such weapons;

(B) to protect such members from the adverse effects of exposure to such agents and materials; and

(C) to treat the casualties that result from the utilization of such weapons and from exposure to such agents and materials; and

(3) the Department of Defense is uniquely capable of conducting research into the sources and effects of exposure of members of the Armed Forces during military conflicts to chemical, biological, radiological, and other hazardous agents and materials.

(c) CONTRACT FOR RESEARCH FACILITY AND ACTIVITIES.—(1) Subject to paragraph (2), the Secretary of the Army shall enter into a contract with a hospital or other existing health care or health care research facility in order to ensure that the research referred to in paragraph (3) is carried out.

(2)(A) The Secretary shall enter into the contract under paragraph (1) using full and open competition.

(B) The facility referred to in such paragraph shall be affiliated with a medical facility of the Department of Veterans Affairs.

(3) The research referred to in paragraph (1) is research into the effects upon humans of exposure to hazardous agents and materials, including chemical and biological warfare agents, toxins, and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War.

(4) Humans may not be exposed to hazardous agents or materials as a result of the carrying out of research under this subsection.

(d) STUDY ON REPORTS OF EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS.—(1) Subject to paragraph (2), the Secretary of Defense shall carry out a study in order to determine the validity and accuracy of claims that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War were exposed to combined chemical warfare agents, biological warfare agents, biological toxins, and other unconventional warfare agents or other environmental conditions hazardous to the health of such members as a result of such service. The study shall identify the locations at which such exposure, if any, occurred and the extent, if any, of such exposure.

(2) The study under paragraph (1) shall include an investigation of such exposure directly as a result of attack on such members by Iraqi forces and indirectly as a result of prolonged downwind exposure to such agents and toxins dispersed in consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(e) STUDY ON EXPOSURE TO DEPLETED URANIUM.—The Secretary of the Army shall carry out a study of the effects upon humans of exposure to fragments of depleted uranium from weapons rounds that have been fired.

(f) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense shall ensure that all elements of the Departments of the Defense, including all chemical and biological warfare defense programs, provide to the facility with which the Secretary of the Army contracts under subsection (c) any information possessed by such elements on the identity and quantity of the chemical, biological, radiological, and other hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure.

(2) The Secretary of Defense shall ensure that the elements of the Department of Defense referred to in paragraph (1) provide to the persons or entities carrying out the study referred to in subsection (e) information possessed by such elements on the sources and effects of exposure to depleted uranium on the members referred to in paragraph (1).

(g) REPORTS TO CONGRESS.—(1) Not later than each of March 1, 1994, and October 1, 1994, the Secretary shall submit to the congressional defense committees an interim report on the results during the year preceding the report of the research and studies, as the case may be, carried out under subsections (c), (d), and (e).

(2) The reports submitted under this subsection shall be submitted in an unclassified form but may have a classified annex.

(h) BUDGET INFORMATION.—The Secretary of Defense shall ensure that each budget submitted to the Congress under section 1105 of title 31, United States Code, for a fiscal year in which the contract referred to in subsection (c) is in force, the Secretary carries out the study referred to in subsection (d), or the Secretary carries out the study referred to in subsection (e), as the case may be, contains a request for such funds as the Secretary determines necessary in order to carry out the contract or such studies, as the case may be, during that fiscal year.

(i) FUNDING.—Funds for programs authorized in this section shall be derived from amounts to be appropriated for the Department of Defense.

(j) LIMITATION ON EXPENDITURES.—The total amount that may be expended in fiscal year 1994 with respect to activities under this section is as follows:

(1) For research activities carried out under subsection (c), $2,000,000.

(2) For the study carried out under subsection (d), $2,000,000.

(3) For the study carried out under subsection (e), $1,700,000.

(k) DEFINITION.—In this section, the term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

SEC. 1077. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1078. AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

(a) No embassy, chancery, or consular facilities in Germany other than the facilities already occuppied as of January 1, 1993 by United States diplomatic personnel may be purchased, constructed, leased or otherwise occupied unless such facilities are purchased, constructed, modified or leased with funds provided by the German government as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

(b) The Secretary of State or his representative may not enter into any legal instrument to purchase, construct, modify or lease any facility in Germany acquired pursuant to subsection (a) of this section until the Secretary of Defense certifies that the United States Government has received or is scheduled to receive cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

SEC. 1079. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

SEC. 1080. AWARD OF THE NAVY EXPEDITIONARY MEDAL.

It is the sense of the Senate that the Secretary of the Navy should direct that members who served in Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

SEC. 1081. REPORT ON MILITARY FOOD DISTRIBUTION PRACTICES.

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

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency (DLA), purchases more than 90 percent of the food supplied to military "end-users" such as dining halls, hospitals and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four DLA depots. Perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private sector end-users, including independent restaurants, hospitals, and hotels, obtain their food through direct delivery from distributors.

(4) A Department of Defense comprehensive inventory reduction plan, issued in May 1990, stated that "where DoD requirements can be met through commercial distribution systems in a timely and cost-effective fashion, no value is added by pushing items through the DoD warehousing systems.".

(5) A June 1993 GAO report determined that the Department of Defense could achieve substantial cost savings by expanding the use of private sector food distributors and practices in the military food supply system.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review which evaluates the feasibility and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users. The review should address whether the expanded use of distributors could reduce depot storage of food (except for war reserve stocks and items bound for overseas), and eliminates the requirement for Defense Subsistence Offices and certain base warehouse activities. The review should include a cost comparison of the Department of Defense supply system with the costs of commercial distributors. The review should also consider what obstacles may exist that would hinder the Department of Defense's ability to procure commercial items and institute commercial logistics practices.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings from the review together with any recommendations.

SEC. 1082. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990 through February 28, 1991 and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

SEC. 1083. SHORT TITLE.

Sections 1083, 1084, and 1085 may be cited as "NATO Review Requirements".

SEC. 1084. FINDINGS; POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security and freedom of the United States and its NATO allies for more than forty years;

(2) the national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework;

(3) recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union;

(4) the military threats which NATO was established to deter have receded with the end of the Cold War, calling into question both the future value of the alliance and the rationale for United States military deployments in Europe;

(5) the post-Cold War security situation continues to present a wide array of challenges to United States national interests, many of which interests the United States shares with its allies in Europe and Canada;

(6) the international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression;

(7) the United States must share the burden of its international security commitments with other nations if it is to tend to the needs of its own citizens in a responsible fashion;

(8) several of the newly democratic nations of Central and Eastern Europe have expressed interest in seeking membership in NATO;

(9) many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses;

(10) the United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible;

(11) military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others operational procedures;

(12) NATO is currently the only organization with the experience, trained staff and infrastructure necessary to support military cooperation with the major military allies of the United States;

(13) the NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace;

(14) justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission and procedures to the new security environment;

(15) justification of future United States support for the alliance and for a United States military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada;

(16) a summit meeting of the NATO heads of state, which has been scheduled for January 1994, would present an excellent opportunity for the President of the United States to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) POLICY.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization have retreated radically but new, more diverse challenges have arisen in the form of ethno-religious conflict in Central and Eastern Europe and the proliferation of weapons of mass destruction in regions proximate to alliance territory and NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

SEC. 1085. REPORT.

Within 30 calendar days of the enactment of this legislation, the President, in consultation with the Secretary of State and the Secretary of Defense, shall send a report to the Armed Services Committees of the United States Senate and House of Representatives and to the Foreign Relations Committee of the United States Senate and the Foreign Affairs Committee of the House of Representatives. This report should contain recommendations on—

(1) the manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members;

(2) the feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance;

(3) the manner in which NATO should restructure its forces, training and equipment for the new security environment;

(4) the desirability of expanding the alliance to include either traditionally neutral nations or the new democratic nations of Eastern or Central Europe who wish to join NATO;

(5) the proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in United States military deployments in Europe in the event of the alliance's failure to adopt a new mandate;

(6) the structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee;

(7) the desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy;

(8) the structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression;

(9) the levels of United States, European and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

SEC. 1086. LOCATION OF JOINT WARFIGHTING SIMULATION CENTER.

The Secretary of Defense shall provide that the Joint Warfighting Simulation Center, established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, Virginia.

SEC. 1087. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions against Serbia and Montenegro described in the following directives of the executive branch of Government are hereby enacted into law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—(1) No funds appropriated or otherwise made available by law may be obligated or expended for Serbia or Montenegro.

(2) The prohibition of paragraph (1) includes funds which were obligated but not expended under any law enacted before the date of enactment of this Act.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to Serbia or Montenegro.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States-supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties, in these two countries.

(e) WAIVER.—(1) Notwithstanding any other provision of this section (other than paragraph (2)), the President may waive the application, in whole or in part, of any sanction or prohibition contained in this section if the President determines, and so certifies to Congress, that it would be in the national interest of the United States to do so.

(2) The waiver authority of paragraph (1) may not be used to waive any sanction or prohibition in subsections (a), (b), and (c) unless the territory of Bosnia-Hercegovina, as recognized by the United States on April 2, 1992, is controlled by a government of Bosnia-Hercegovina recognized by the United States, and that government or its people, are not subject to military action in or against it by Serbia and Montenegro or Bosnian Serbian forces.

SEC. 1088. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) PROGRAM REQUIRED.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall establish a scholarship program for education and training for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) The program established pursuant to subparagraph (A) may include educational activities and training related to—

(i) site remediation;

(ii) site characterization;
(iii) hazardous waste management;
(iv) hazardous waste reduction;
(v) recycling;
(vi) process and materials engineering;
(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and
(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(C) The program established pursuant to subparagraph (A) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:
(i) Earth sciences.
(ii) Chemistry.
(iii) Chemical engineering.
(iv) Environmental engineering.
(v) Statistics.
(vi) Toxicology.
(vii) Industrial hygiene.
(viii) Health physics.
(ix) Environmental project management.

(b) FUNDING.—(1) From amounts appropriated pursuant to this authorization, the Secretary of Defense shall award scholarships to individuals described in paragraph (g)(5) to attend programs at the hazardous substance research centers institutions of higher education at both undergraduate and graduate levels which lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(c) REPAYMENT.—(1) Any individual receiving educational assistance from the United States under the program carried out under this section shall agree to pay to the United States the total amount of the educational assistance provided to the individual by the United States under the program, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational program for which the assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary of Defense determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program carried out under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(d) COORDINATION OF BENEFITS.—Any educational assistance provided to an individual under the program carried out under subsection (a) shall be taken into account in determining the eligibility of that individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(e) COST AND FUNDING.—The cost of carrying out the program required by this section may not exceed $8,000,000 in any fiscal year.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit to the Congress a report on activities undertaken under the program established under this section and recommendations for future activities under the program.

(g) DEFINITIONS.—In this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);
(B) radioactive waste; and
(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

(5) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

(A) was on active duty or full-time National Guard duty on September 30, 1990;

(B) during the 5-year period beginning on that date—

(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(C) is not entitled to retired or retainer pay incident to that separation; and

(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

(2) CERTAIN DEFENSE EMPLOYEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

(I) 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); and

(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

(6) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

SEC. 1089. MEDICAL LASER BURN TREATMENT.

Of the funds authorized to be appropriated in section 201(1), $2,000,000 shall be available to continue the support of advanced laser burn treatment diagnostics and therapeutic research under the Army's medical research program.

SEC. 1090. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2031(a)(1) is amended in the second sentence by striking out "Not more than 200 units may be established by all of the military departments each year, and the" and by inserting in lieu thereof "The".

(6) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(7) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(8) Section 2469 is amended by striking out ", prior to any such change,".

(9)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(10) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(11) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(12) Section 2513 is amended—

(A) in subsection (b), by striking out "ELIGIBLE CENTERS.—" and inserting in lieu thereof "ELIGIBLE ALLIANCES.—"; and

(B) in subsection (c)(2)(B)—

(i) by striking out "two" in clause (ii) and inserting in lieu thereof "one"; and

(ii) by redesignating the clause (iii) added by section 4223(d) of Public Law 102-484 (106 Stat. 2681) as clause (iv); and

(iii) by striking out "an" in clause (iv), as so redesignated, and inserting in lieu thereof "An".

(13) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" and all that follows and inserting in lieu thereof "for the uniformed services.".

(14) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102-484.—Public Law 102-484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

SEC. 1091. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Not later than April 30, 1994, the Secretary of Defense shall submit to the Armed Services Committees of the Senate and House of Representatives a list of the reports required of the Department of Defense by law on that date that the Secretary determines are unnecessary or incompatible with the efficient management of the Department of Defense. Unless otherwise provided by a law enacted after the date of the enactment of this Act, the requirement for the submittal to Congress of any report included in the list submitted under this section shall expire on October 30, 1995.

SEC. 1092. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program;

(B) justification for such designation; and

(C) the current estimate of the total program cost for the program.

(2) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to the appropriate oversight committees a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify the appropriate oversight committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the appropriate oversight committees.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—In this Act:

(1) The term "appropriate oversight committees", in the case of a special access program carried out in a covered department or agency, means—

(A) each committee of the Senate and the committee of the House of Representatives having jurisdiction over legislation that authorizes the program, as determined under the Standing Rules of the Senate and the Rules of the House of Representatives, respectively; and

(B) the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program (other than the Department of Defense or an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(3) The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

SEC. 1093. DEPARTMENT OF DEFENSE FOOD STOCKS FOR ASSISTANCE IN BOSNIA-HERCEGOVINA AND ARMENIA.

Beginning not later than 10 days after the date of the enactment of this Act, the Secretary of Defense should make available to the Office of Foreign Disaster Assistance of the Agency for International Development, out of stocks for which there exists appropriations, of the Department of Defense, 500,000 cases of meals ready to eat for distribution over next four months, as humanitarian relief, in Bosnia-Hercegovina and Armenia. To the extent possible, these supplies should come from surplus stocks.

SEC. 1094. LANDMINE MORATORIUM EXTENSION ACT.

(a) SHORT TITLE.—This section shall be titled the "Landmine Moratorium Extension Act of 1993".

(b) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims, unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The State Department estimates there are more than 10,000,000 landmines in Afghanistan, 9,000,000 in Angola, 4,000,000 in Cambodia, 3,000,000 in Iraqi Kurdistan, and 2,000,000 each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1,000 per hour. These mines, which are being produced by many industralized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Administration has approved ten licenses for the commercial export of anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitations or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since the moratorium on United States sales, transfers and exports of anti-personnel landmines was signed into law on October 23, 1992, the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers and exports of anti-personnel landmines, and the Government of France has announced that it has ceased all sales, transfers and exports of anti-personnel landmines.

(10) On December 2, 1993, ten years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers and exports of anti-personnel landmines for an additional three years. A moratorium of this duration would extend the current prohibition on the sale, transfer and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use of anti-personnel landmines.

(2) It is the sense of the Congress that the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification. Furthermore, the Administration should participate in a United Nations conference to review the Landmine Protocol, and actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer or export of anti-personnel landmines, and to further limit their manufacture, possession and use.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of three years beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1102. FINDINGS ON COOPERATIVE THREAT REDUCTION.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of—

(i) intercontinental ballistic missiles and launchers for such missiles;

(ii) submarine-launched ballistic missiles and launchers for such missiles; and

(iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.

(4) Support—

(A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union;

(B) the conversion of such industry and equipment to civilian purposes and uses; and

(C) the environmental restoration of former military sites and installations.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1103. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities and to assist in the environmental restoration of former military sites and installations.

(6) Programs to house and retrain military personnel of the former Soviet Union who have been released from military service, but only if such programs are carried out in conjunction with, and contribute significantly and directly to achieving the purposes of, one or more of the programs described in paragraphs (1) through (5) of this subsection.

(7) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 5901 et seq.).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this title, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 590(b)), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1104. FUNDING FOR FISCAL YEAR 1994.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds authorized to be appropriated under section 301(21) shall be available for cooperative threat reduction with states of the former Soviet Union under this title.

(b) AVAILABILITY OF FUNDS PREVIOUSLY AUTHORIZED TO BE TRANSFERRED.—(1) To the extent provided in appropriations Acts, of the total amount authorized to be transferred under sections 108 and 109 of Public Law 102-229 (105 Stat. 1708) and section 9110 of Public Law 102-396 (106 Stat. 1928), the Secretary of Defense may transfer not more than $400,000,000 to the appropriate fiscal year 1994 accounts within the Department of Defense for cooperative threat reduction with states of the former Soviet Union under this title.

(2) Funds transferred pursuant to paragraph (1) shall be in addition to funds authorized to be appropriated under subsection (a).

(3) A transfer made to an account under the authority of paragraph (1) shall be deemed to increase the amount authorized for that account by the amount transferred.

(4) The transfer authority provided in this subsection is in addition to the transfer authority provided in section 1001 of this Act.

SEC. 1105. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds for programs under section 1203, the President shall transmit to the appropriate congressional committees (as defined in section 1207) a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1106. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under this title. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation, if any, of each department and agency of the United States Government in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the private sector of the United States has participated in the activities for which amounts were obligated and expended under this title.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under this title, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1107. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects in the total amount of $603,553,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$28,250,000
Alaska	Fort Richardson	10,770,000
	Fort Wainwright	740,000
Arizona	Fort Huachuca	8,850,000
California	Fort Irwin	5,900,000
Colorado	Fitzsimmons Army Medical Center	4,400,000
	Fort Carson	4,050,000
Georgia	Fort Benning	37,650,000
	Fort Gillen	2,600,000
	Fort Stewart	20,300,000
Hawaii	Schofield Barracks	18,600,000
Kansas	Fort Riley	14,642,000
Kentucky	Fort Campbell	50,300,000
	Fort Knox	41,350,000
Maryland	Aberdeen Proving Ground	20,250,000
Missouri	Fort Leonard Wood	1,000,000
Nevada	Hawthorne Army Ammunition Plant	11,700,000
New Jersey	Fort Monmouth	7,500,000
	Picatinny Arsenal	10,500,000
New Mexico	White Sands Missile Range	8,700,000
New York	Fort Drum	9,800,000
	United States Military Academy, West Point	13,800,000
North Carolina	Fort Bragg	102,240,000
Oklahoma	Fort Sill	15,700,000
Pennsylvania	Tobyhanna Army Depot	750,000
South Carolina	Fort Jackson	2,700,000
Texas	Fort Bliss	14,000,000
	Fort Hood	49,400,000
	Fort Sam Houston	4,351,000
Utah	Dugway Proving Ground	16,500,000
	Tooele Army Depot	800,000
Virginia	Fort Belvoir	8,860,000
	Fort Lee	32,600,000
	Fort Myer	6,800,000
Washington	Fort Lewis	14,200,000
CONUS Classified	Classified Locations	3,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects in the total amount of $26,500,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Army: Outside the United States

Country or other	Installation or location	Amount
Johnston Island	Johnston Island	$1,700,000
Kwajalein Atoll	Kwajalein	21,200,000
OCONUS Classified	Classified Locations	3,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) in the total amount of $138,950,000 at the installations, for the purposes, and in the amounts for such installations set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	$25,000,000
Hawaii	Schofield Barracks	348 units	52,000,000
Maryland	Fort Meade	275 units	26,000,000
New York	United States Military Academy, West Point	100 units	15,000,000
North Carolina	Fort Bragg	224 units	18,000,000
Wisconsin	Fort McCoy	16 units	2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $77,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,369,330,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $603,553,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $26,500,000.

(3) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), $110,900,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $110,991,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $228,385,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,125,601,000, of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECT.—(1) The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2586) is amended by striking out the item relating to the Tooele Army Depot, Utah.

(2) Section 2105(a) of such Act (106 Stat. 2588) is amended—

(A) by striking out "$2,127,397,000" and inserting in lieu thereof "$2,118,197,000"; and

(B) in paragraph (1), by striking out "$338,860,000" and inserting in lieu thereof "$329,660,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1508) is amended by striking out the following items:

(A) Under the heading "NEW YORK", the item relating to Seneca Army Depot.

(B) Under the heading "VIRGINIA", the item relating to Vint Hill Farms Station.

(2) Section 2105(a) of such Act (105 Stat. 1511) is amended—

(A) by striking out "$2,576,674,000" and inserting in lieu thereof "$2,571,974,000"; and

(B) in paragraph (1), by striking out "$718,829,000" and inserting in lieu thereof "$714,129,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects in the total amount of $495,400,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Yuma Marine Corps Air Station	$14,100,000
California	Barstow Marine Corps Logistics Base	8,690,000
	Camp Pendleton Marine Corps Air Station	3,850,000
	Camp Pendleton Marine Corps Base	11,130,000
	Fallbrook Naval Weapons Station Annex	4,630,000
	Lemoore Naval Air Station	1,930,000
	San Diego Naval Hospital	2,700,000
	San Diego Fleet Industrial Supply Center	2,270,000
	San Diego Marine Corps Recruit Depot	1,130,000
	Twentynine Palms Marine Corps Air-Ground Combat Center	7,900,000
Connecticut	New London Naval Submarine Base	36,740,000
District of Columbia	Washington, Commandant, Naval District	3,110,000
	Naval Research Laboratory	2,380,000
Florida	Jacksonville Naval Air Station	14,420,000
	Mayport Naval Station	3,260,000
	Pensacola Naval Air Station	6,420,000
Georgia	Albany Marine Corps Logistics Base	940,000
	Kings Bay Naval Submarine Base	10,920,000
	Kings Bay Trident Training Facility	3,870,000
Hawaii	Barbers Point Naval Air Station	2,700,000
	Honolulu, Naval Communications and Telecommunications Area Master Station, Eastern Pacific	9,120,000
	Pearl Harbor, Commander, Oceanographic System Pacific	16,780,000
	Pearl Harbor Naval Inactive Ship Maintenance Facility	2,620,000
	Pearl Harbor Naval Submarine Base	54,140,000
	Pearl Harbor Public Works Center	27,540,000
Maine	Kittery, Portsmouth Naval Shipyard	4,780,000
Maryland	Bethesda National Naval Medical Center	3,090,000
	Indian Head, Naval Surface Weapons Center	3,400,000
	Patuxent River Naval Air Station	1,000,000
Mississippi	Pascagoula Naval Station	3,900,000
	Gulfport Naval Construction Battalion Center	10,400,000
New Jersey	Earle Naval Weapons Station	2,580,000
North Carolina	Camp Lejeune Marine Corps Base	41,290,000
	Camp Lejeune Naval Hospital	2,370,000
	Cherry Point Marine Corps Air Station	7,500,000
Pennsylvania	Philadelphia Aviation Supply Office	1,900,000
	Philadelphia Naval Inactive Ship Maintenance Facility	8,660,000
Rhode Island	Newport, Naval Education and Training Center	11,300,000
South Carolina	Beaufort Marine Corps Air Station	10,900,000
	Charleston Naval Weapons Station	580,000
Tennessee	Memphis Naval Air Station	1,450,000
Texas	Corpus Christi Naval Air Station	1,670,000
Virginia	Chesapeake, Marine Corps Security Battalion	5,380,000
	Craney Island Fleet and Industrial Supply Center Annex	11,740,000
	Norfolk, Commander, Operational Test and Evaluation Force	8,100,000
	Norfolk Naval Air Station	12,270,000
	Norfolk Public Works Center	5,330,000
	Portsmouth, Norfolk Naval Shipyard	13,420,000
	Quantico, Combat Development Command	7,450,000
	Wallops Island, Naval Surface Weapons Center Detachment	10,170,000
Washington	Bangor Naval Submarine Base	3,100,000
	Everett Naval Station	34,000,000
	Keyport, Naval Undersea Warfare Center Division	8,980,000
Various Locations	Wastewater Collection and Treatment Facilities	3,260,000
	Land Acquisition	2,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects in the total amount of $95,650,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	Military Sealift Command Office	2,170,000
	Anderson Air Force Base Naval Air Facility	7,310,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
	Naval Magazine	3,750,000
	Naval Ocean Communication Center	690,000
	Naval Station	14,520,000
	Fleet/Industrial Supply Center	22,440,000
	Public Works Center	20,680,000
Italy	Naples Naval Support Activity	11,740,000
	Sigonella Naval Air Station	3,460,000
Spain	Rota Naval Station	2,670,000
Various Locations	Host Nation Infrastructure Support	2,960,000
	Land Acquisition	800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) in the total amount of $164,149,000 at the installations, for the purposes, and in the amounts for such installations and purposes set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	$36,571,000
District of Columbia	Washington Navy Public Works Center	188 units	$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	$300,000
Georgia	Kings Bay Naval Submarine Base	Housing Office/Self Help/Warehouse	$790,000
Maine	Brunswick Naval Air Station	Mobile Home Spaces	$490,000
Virginia	Norfolk, Naval Public Works Center/Naval Amphibious Base Little Creek	392 units	$50,674,000
	Oceana Naval Air Station	Community Center	$860,000
Washington	Bangor Naval Submarine Base	290 units	$27,438,000
	Whidby Island, Naval Air Station	106 units	$10,000,000
United Kingdom	London Naval Activities Support	81 units	$15,470,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $183,135,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,866,186,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $495,400,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $95,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $64,373,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $370,208,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $835,055,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECTS.—(1) The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2589) is amended by striking out the items relating to the following installations:

(A) Mare Island Naval Shipyard, California.

(B) Miramar Naval Air Station, California.

(C) Cecil Field, Naval Air Station, Florida.

(D) Memphis, Naval Air Station, Tennessee.

(2) Section 2204(a) of such Act (106 Stat. 2592) is amended—

(A) by striking out "$1,450,529,000" and inserting in lieu thereof "$1,411,616,000";

(B) in paragraph (1), by striking out "$312,557,000" and inserting in lieu thereof "$274,897,000"; and

(C) in paragraph (5)(B), by striking out "$661,246,000" and inserting in lieu thereof "$659,993,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1514) is amended by striking out the following items:

(A) Under the heading "CALIFORNIA", the item relating to Vallejo, Mare Island Naval Shipyard.

(B) Under the heading "FLORIDA", the item relating to Pensacola, Naval Supply Center.

(C) Under the heading "SOUTH CAROLINA", the item relating to Charleston, Fleet and Mine Warfare Training Center.

(2) Section 2205(a) of such Act (105 Stat. 1518) is amended—

(A) by striking out "$1,832,149,000" and inserting in lieu thereof "$1,798,980,000";

(B) in paragraph (1), by striking out "$739,859,000" and inserting in lieu thereof "$706,969,000"; and

(C) in paragraph (4), by striking out "$12,400,000" and inserting in lieu thereof "$12,121,000".

(c) FISCAL YEAR 1990 PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1621) is amended under the heading "NEW YORK", by striking out the item relating to New York, Naval Station and inserting in lieu thereof the following:

"New York, Naval Station, $20,978,000.".

(2)(A) Section 2202(a) of such Act (103 Stat. 1626) is amended by striking out the item relating to San Francisco, Navy Public Works Center, California.

(B) The table relating to the Navy in section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2603) is amended by striking out the item relating to Navy Public Works Center, San Francisco, California.

(3) Section 2204(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1626) is amended—

(A) by striking out "$1,962,935,000" and inserting in lieu thereof "$1,925,273,000";

(B) in paragraph (1), by striking out "$915,511,000" and inserting in lieu thereof "$910,849,000";

(C) in paragraph (5), by striking out "$5,810,000" and inserting in lieu thereof "$2,810,000"; and

(D) in paragraph (6)(A), by striking out "$191,290,000" and inserting in lieu thereof "$157,290,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects in the total amount of $864,752,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex	$4,680,000
	Maxwell Air Force Base	16,170,000
Alaska	Cape Romanzof Long Range Radar Site	3,350,000
	Eielson Air Force Base	13,300,000
	Elmendorf Air Force Base	33,305,000
	Fort Richardson	5,000,000
Arizona	Davis-Monthan Air Force Base	7,350,000
	Luke Air Force Base	12,750,000
	Navajo Army Depot	7,250,000
Arkansas	Little Rock Air Force Base	4,500,000
California	Edwards Air Force Base	11,300,000
	McClellan Air Force Base	1,900,000
	Travis Air Force Base	14,040,000
	Vandenberg Air Force Base	20,728,000
Colorado	Buckley Air National Guard Base	39,000,000
	Cheyenne Mountain Air Force Base	4,450,000
	Peterson Air Force Base	21,030,000
	United States Air Force Academy	11,680,000
Delaware	Dover Air Force Base	7,760,000
District of Columbia	Bolling Air Force Base	2,000,000
Florida	Cape Canaveral Air Force Station	19,200,000
	Eglin Air Force Base	12,050,000
	Eglin Auxiliary Field No. 9	7,829,000
	Patrick Air Force Base	3,850,000
	Tyndall Air Force Base	2,600,000
Georgia	Moody Air Force Base	16,070,000
	Robins Air Force Base	55,370,000
Hawaii	Hickam Air Force Base	13,800,000
	Kaena Point	7,350,000
Illinois	Scott Air Force Base	7,450,000
Kansas	McConnell Air Force Base	1,900,000
Louisiana	Barksdale Air Force Base	13,860,000
Maryland	Andrews Air Force Base	17,990,000
Mississippi	Columbus Air Force Base	2,900,000
	Keesler Air Force Base	8,710,000
Missouri	Whiteman Air Force Base	36,388,000
Montana	Malmstrom Air Force Base	7,700,000
Nebraska	Offutt Air Force Base	11,000,000
Nevada	Nellis Air Force Base	5,750,000
New Mexico	Cannon Air Force Base	8,915,000
	Holloman Air Force Base	11,100,000
	Kirtland Air Force Base	42,161,00
North Carolina	Pope Air Force Base	8,600,000
	Seymour Johnson Air Force Base	5,380,000
North Dakota	Grand Forks Air Force Base	12,800,000
	Minot Air Force Base	14,500,000
Ohio	Wright-Patterson Air Force Base	44,680,000
Oklahoma	Altus Air Force Base	6,930,000
	Tinker Air Force Base	28,649,000
	Vance Air Force Base	6,000,000
South Carolina	Charleston Air Force Base	1,100,000
	Shaw Air Force Base	5,870,000
South Dakota	Ellsworth Air Force Base	6,830,000
Tennessee	Arnold Air Force Base	1,500,000
Texas	Dyess Air Force Base	10,390,000
	Goodfellow Air Force Base	3,700,000
	Kelly Air Force Base	27,481,000
	Lackland Air Force Base	30,093,000
	Laughlin Air Force Base	8,650,000
	Randolph Air Force Base	5,300,000
	Reese Air Force Base	900,000
	Sheppard Air Force Base	18,030,000
Utah	Hill Air Force Base	8,380,000
Virginia	Langley Air Force Base	17,823,000
Washington	Fairchild Air Force Base	3,500,000
	McChord Air Force Base	10,900,000
Wyoming	F.E. Warren Air Force Base	12,640,000
Various Locations	Classified	8,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects in the total amount of $33,852,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	$1,000,000
Ascension Island	Ascension Auxiliary Air Field	3,400,000
Germany	Ramstein Air Base	3,100,000
Greenland	Thule Air Base	5,492,000
Guam	Andersen Air Force Base	4,100,000
Indian Ocean	Diego Garcia Air Base	2,260,000
Oman	Thumrait Air Base	1,800,000
Turkey	Incirlik Air Base	2,400,000
United Kingdom	RAF Mildenhall	4,800,000
Classified	Classified Location	5,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) in the total amount of $130,264,000 at the installations, for the purposes, and in the amounts for such installations and purposes set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	$4,080,000

Air Force: Family Housing—Continued

State or Country	Installation	Purpose	Amount
Arkansas	Little Rock Air Force Base	Housing office/Maintenance facility	980,000
California	Vandenberg Air Force Base	166 units	21,907,000
Florida	Patrick Air Force Base	155 units	15,388,000
	Tyndall Air Force Base	Infrastructure	5,732,000
Georgia	Robins Air Force Base	118 units	7,424,000
Illinois	Scott Air Force Base	Cardinal Creek Housing units	20,000,000
Louisiana	Barksdale Air Force Base	118 units	8,578,000
Massachusetts	Hanscom Air Force Base	48 units	5,135,000
Montana	Malmstrom Air Force Base	Housing office	581,000
Texas	Dyess Air Force Base	Housing maintenance facility	281,000
	Lackland Air Force Base	111 units	8,770,000
Virginia	Langley Air Force Base	Housing office	452,000
Washington	Fairchild Air Force Base	1 unit	184,000
Wyoming	F.E. Warren Air Force Base	104 units	10,572,000
Italy	Comiso Air Base	460 units	20,200,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $75,070,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,101,925,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $864,752,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $33,852,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $6,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,180,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2593) for the construction of the Climatic Test Chamber, Eglin Air Force Base, Florida, $57,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $215,235,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $853,912,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECTS.—(1) The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2593) is amended by striking out the item relating to March Air Force Base, California.

(2) The table in section 2302(a) of such Act (106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(3) Section 2303 of such Act (106 Stat. 2596) is amended by striking out "$150,000,000" and inserting in lieu thereof "$139,649,000".

(4) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out "$2,062,707,000" and inserting in lieu thereof "$2,011,755,000";

(B) in paragraph (1), by striking out "$667,290,000" and inserting in lieu thereof "$665,040,000"; and

(C) in paragraph (5)(A), by striking out "$283,786,000" and inserting in lieu thereof "$235,084,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended—

(A) under the heading "CALIFORNIA", by striking out the item relating to March Air Force Base and inserting in lieu thereof the following:

"March Air Force Base, $7,272,000.";

(B) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(C) under the heading "NEW YORK"—

(i) by striking out the item relating to Griffiss Air Force Base; and

(ii) by striking out the item relating to Plattsburgh Air Force Base and inserting in lieu thereof the following:

"Plattsburgh Air Force Base, $960,000.".

(2) Section 2303 of such Act (105 Stat. 1526) is amended by striking out "$141,236,000" and inserting in lieu thereof "$134,836,000".

(3) Section 2305(a) of such Act (105 Stat. 1525) is amended—

(A) by striking out "$2,089,303,000" and inserting in lieu thereof "$2,066,585,000";

(B) in paragraph (1), by striking out "$778,970,000" and inserting in lieu thereof "$762,652,000"; and

(C) in paragraph (8)(A), by striking out "$161,583,000" and inserting in lieu thereof "$155,183,000".

SEC. 2306. RELOCATION OF STUDENT DORMITORY PROJECT TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out the item relating to Beale Air Force Base and inserting in lieu thereof the following:

"Beale Air Force Base, $9,950,000."; and

(2) by striking out the item relating to Sierra Army Depot.

SEC. 2307. RELOCATION OF MUNITION MAINTENANCE FACILITY PROJECT TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out the item relating to Beale Air Force Base and inserting in lieu thereof the following:

"Beale Air Force Base, $4,950,000."; and

(2) by striking out the item relating to Sierra Army Depot.

SEC. 2308. RELOCATION OF COMBAT ARMS TRAINING AND MAINTENANCE FACILITY PROJECT TO SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading "HAWAII" by striking out the item relating to Wheeler Air Force Base and inserting in lieu thereof the following:

"Schofield Barracks Open Range, $1,400,000.

"Wheeler Air Force Base, $2,100,000.".

SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer any funds made available for the construction of family housing at Scott Air Force Base, Illinois, pursuant to the authorization for such construction in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595) to the County of Saint Clair, Illinois, in order to assist the County of Saint Clair in the construction, at a location determined by the Secretary, of a family housing complex to replace the Cardinal Creek Housing Complex, Scott Air Force Base.

SEC. 2310. INCREASE IN AUTHORIZED UNIT COST FOR CERTAIN FAMILY HOUSING, RANDOLPH AIR FORCE BASE, TEXAS.

Section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1635) is amended in the matter relating to Randolph Air Force Base, Texas, by striking out "$78,000" and inserting in lieu thereof "$95,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects in the total amount of $256,902,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, Fairbanks, Alaska	$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California	630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii	2,250,000
	Defense Construction Supply Center, Columbia, Ohio	3,100,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	1,700,000
	Defense General Supply Center, Richmond, Virginia	17,000,000
Defense Medical Facility Office	Fort Belvoir, Virginia	5,200,000
	Edwards Air Force Base, California	1,700,000
	Fort Detrick, Maryland	4,300,000
	Offutt Air Force Base, Nebraska	1,100,000
	Cannon Air Force Base, New Mexico	13,600,000
	Grand Forks Air Force Base, North Dakota	860,000
	Ellsworth Air Force Base, South Dakota	1,400,000
	Fort Sam Houston, Texas	4,800,000
	Fort Eustis, Virginia	3,650,000
	Fairchild Air Force Base, Washington	8,250,000
National Security Agency	Fort Meade, Maryland	58,630,000
Office Secretary of Defense	Various Locations, Special Activities, Air Force	5,600,000
Section 6 Schools	Fort McClellan, Alabama	2,798,000
	Robins Air Force Base, Georgia	3,160,000
	Fort Campbell, Kentucky	13,182,000
	Fort Knox, Kentucky	7,707,000
	Fort Polk, Louisiana	4,950,000
	Camp Lejeune, North Carolina	1,793,000
	Fort Bragg, North Carolina	8,838,000
	Quantico Marine Corps Base, Virginia	422,000
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	19,582,000
	Fort Campbell, Kentucky	6,950,000
	Fort Bragg, North Carolina	38,450,000
	Olmstead Field, Pennsylvania	1,300,000
	Little Creek Naval Amphibious Base, Virginia	7,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects in the total amount of $26,113,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Diego Garcia	$9,558,000
	Roosevelt Roads, Puerto Rico	5,800,000
Various locations	Various classified projects	10,755,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,097,814,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $256,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $26,113,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), $75,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1639), $211,900,000.

(5) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), $135,000,000.

(6) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993, $195,000,000.

(7) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993, $5,000,000.

(8) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(10) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(11) For energy conservation projects authorized by section 2402, $50,000,000.

(12) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), $12,830,000.

(13) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), $3,026,310,000.

(14) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) LIMITATION ON OBLIGATIONS.—Funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in subsection (a)(1) may not be obligated for any of the following projects in excess of the amount set forth for such project as follows:

(1) Construction of an Army medical center at Fort Bragg, North Carolina, $160,000,000.

(2) Construction of a naval hospital at Portsmouth, Virginia, $171,900,000.

(3) Construction of the hospital at Elmendorf Air Force Base, Alaska, $98,000,000.

SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 PROJECTS.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1528) is amended by striking out the following items:

(1) Under the heading "DEFENSE LOGISTICS AGENCY", the item relating to Dayton Defense Electronic Supply Center, Ohio.

(2) Under the heading "DEFENSE MEDICAL FACILITIES OFFICE", the items relating to—

(A) Homestead Air Force Base, Florida; and

(B) Dallas Naval Air Station, Texas.

(b) CONFORMING AMENDMENTS.—Section 2404 of such Act (105 Stat. 1531) is amended—

(1) in subsection (a)—

(A) by striking out "$1,680,940,000" and inserting in lieu thereof "$1,665,440,000"; and

(B) by striking out "$434,500,000" in paragraph (1) and inserting in lieu thereof "$419,000,000"; and

(2) in subsection (c)—

(A) by inserting "and" in paragraph (1) after the semicolon;

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $240,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $277,051,000; and

(B) for the Army Reserve, $124,794,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,013,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $233,793,000; and

(B) for the Air Force Reserve, $68,427,000.

SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1993 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended by striking out "$17,200,000" and inserting in lieu thereof "$10,700,000".

(b) FISCAL YEAR 1992 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1534) is amended by striking out "$56,900,000" and inserting in lieu thereof "$31,800,000".

(c) FISCAL YEAR 1991 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1781) is amended by striking out "$80,307,000" and inserting in lieu thereof "$78,667,000".

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645) is amended by striking out "$56,600,000" and inserting in lieu thereof "$54,250,000".

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—(1) The projects referred to in subsection (a) for the Army, in the total amount of $38,200,000, are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Aberdeen Proving Ground	Toxicology Research Facility	$33,000,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

(2) In the projects referred to in subsection (a) for the Air Force, in the total amount of $39,450,000, are as follows:

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	$5,000,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
Hawaii	Hickam Air Force Base	Dormitory	$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	$1,400,000
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	$2,750,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

(3) The project referred to in subsection (a) for Defense Agencies, in the total amount of $9,500,000, is as follows:

Defense Agencies: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2603), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The projects referred to in subsection (a) for the Air Force, in the total amount of $19,000,000, are as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Lowry Air Force Base	Computer Operations Facility	$15,500,000
	Lowry Air Force Base	Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XVI shall take effect on the later of—

(1) October 1, 1993; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. REVISION OF MILITARY FAMILY HOUSING RENTAL AUTHORITY.

(a) ANNUAL ADJUSTMENT OF MAXIMUM LEASE AMOUNT FOR LEASES IN THE UNITED STATES.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following:

"(4) The maximum lease amount under paragraphs (2) and (3) shall be increased on January 1 of each year by a percentage equal to the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for September 30 of the preceding year exceeds the Consumer Price Index for All Urban Consumers for September of the year before such preceding year.".

(b) INCREASED MAXIMUM LEASE AMOUNT FOR 300 LEASED UNITS IN FOREIGN COUNTRIES.—Paragraph (1) of subsection (e) of such section is amended—

(1) in the first sentence—

(A) by striking out "Expenditures" and inserting in lieu thereof "(A) Except as provided in subparagraphs (B) and (C), expenditures"; and

(B) by striking out "from October 1, 1987";

(2) by designating the third sentence as subparagraph (C);

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following:

"(B) Expenditures for the rental of not more than 300 units of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may exceed the maximum amount that, except for this subparagraph, would be applicable under subparagraph (A) but may not exceed $25,000 per unit per annum as adjusted for foreign currency fluctuations from October 1, 1987."; and

(4) in subparagraph (C), as designated by paragraph (2), by striking out "That maximum lease amount" and inserting in lieu thereof "The maximum lease amounts set forth in subparagraphs (A) and (B).".

(c) ANNUAL ADJUSTMENT IN MAXIMUM LEASE AMOUNT FOR LEASES IN FOREIGN COUNTRIES.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1), as so amended, the following:

"(3) The maximum lease amount under subparagraphs (A) and (B) of paragraph (1) shall be increased on January 1 of each year by a percentage equal to the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for September of the preceding year exceeds the Consumer Price Index for All Urban Consumers for September of the year before such preceding year.".

(d) CONFORMING AMENDMENT.—Section 2834(b) of title 10, United States Code, is amended by striking out "amount may be waived by the Secretary concerned under the second sentence of section 2828(e)(1) of this title" and inserting in lieu thereof "amounts under section 2828(e)(1) of this title may be waived by the Secretary concerned under subparagraph (C) of such section".

SEC. 2802. USE OF PROCEEDS OF SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

(a) AVAILABILITY OF PROCEEDS.—Section 2483(b) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof the following: " and may be used as follows:

"(1) To carry out minor military construction projects under section 2805 of this title that are designed to increase energy conservation.

"(2) To carry out military construction projects under the comprehensive energy performance plan developed by the Secretary of Defense under section 2865(a) of this title.".

(b) USE OF PROCEEDS.—Section 2865(b)(1) of title 10, United States Code, is amended by inserting "and the funds available under section 2483(b) of this title" after "subsection (d)(2),".

(c) TECHNICAL AMENDMENTS.—Section 2865(b) of such title is amended—

(1) in paragraph (1), by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(2) in paragraph (2), by striking out "The amount" and inserting in lieu thereof "The Secretary shall provide that the amount".

SEC. 2803. ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.

Section 2865 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) REPLACEMENT OF ENERGY-INEFFICIENT SYSTEMS, OPERATIONS, AND PROCESSES.—(1) Energy conservation measures identified and accomplished under the energy performance plan developed pursuant to subsection (a) may include—

"(A) replacement of an existing energy consuming system with the best available energy-saving technology; and

"(B) replacement of an existing maintenance operation or process with a maintenance operation or process that results in energy conservation.

"(2) In paragraph (1), the term 'energy consuming system' includes—

"(A) lighting equipment;

"(B) a lighting system;

"(C) heating equipment;

"(D) a heating system;

"(E) cooling equipment;

"(F) a cooling and ventilating system;

"(G) industrial equipment; and

"(H) an industrial system.".

SEC. 2804. AUTHORITY TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) ACQUISITION AUTHORITY.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2813. Acquisition of existing facilities in lieu of authorized construction

"The Secretary concerned may acquire an existing facility (including the real property on which the facility is located) at or near a military installation instead of carrying out a military construction project authorized by law for that military installation, and may use funds appropriated for the military construction project to do so, if—

"(1) the Secretary determines that—

"(A) the acquisition of such facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(B) it is in the best interests of the United States to acquire such facility instead of carrying out the military construction project; and

"(2) the Secretary has transmitted to the Committees on Armed Services of the Senate and House of Representatives a written notification of the determination to acquire the existing facility, including the reasons for acquiring that facility instead of carrying out the authorized military construction project.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2813. Acquisition of existing facilities in lieu of authorized construction.".

(b) APPLICABILITY.—Section 2813 of title 10, United States Code, as added by subsection

(a), shall apply with respect to projects authorized on or after the date of the enactment of this Act and to projects authorized before such date for which construction contracts have not been awarded before such date.

SEC. 2805. TREATMENT OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOL UNDER LIMITATION ON FAMILY HOUSING RENTALS OVERSEAS.

Section 2834(b) of title 10, United States Code, as amended by section 2801(d), is further amended by striking out "included." and inserting in lieu thereof "excluded.".

SEC. 2806. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF EXPIRING AUTHORITY.—Section 2680(d) of title 10, United States Code, is amended by striking out "September 30, 1993." and inserting in lieu thereof "September 30, 1995.".

(b) EXTENSION OF REPORTING REQUIREMENT.—Section 2863(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2680 note) is amended by striking out "March 1, 1993, and March 1, 1994," and inserting in lieu thereof "March 1 of each of the years 1994, 1995, and 1996,".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES OF THE DEFENSE BASE CLOSURE ACCOUNT 1990.

Section 2906(c)(1) 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—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) The report for a fiscal year shall include the following:

"(i) The expenditures, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which obligations for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were proposed; and

"(II) any obligations for military construction projects that were not proposed.".

SEC. 2812. BASE CLOSURE CRITERIA.

(a) REQUIREMENT.—In developing base closure and realignment selection criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note), the Secretary of Defense shall consider whether the criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) REPORT ON AMENDMENT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any criteria proposed in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990. The report shall include a discussion of the proposed criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the proposed criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2813. LIMITATION ON EXPENDITURE OF FUNDS FROM THE DEFENSE BASE CLOSURE ACCOUNT 1990 FOR MILITARY CONSTRUCTION IN SUPPORT OF TRANSFERS OF FUNCTIONS.

(a) LIMITATION.—If the Secretary of Defense recommends to the Base Closure and Realignment Commission pursuant to section 2903(c) of the 1990 base closure Act that an installation be closed or realigned, the Secretary identifies in documents submitted to the Commission one or more installations to which a function performed at the recommended installation would be transferred, and the recommended installation is closed or realigned pursuant to such Act, then, except as provided in subsection (b) and notwithstanding any other provision of law, funds in the Defense Base Closure Account 1990 may not be used for military construction in support of the transfer of that function to any installation other than an installation so identified in such documents.

(b) EXCEPTION.—The limitation in subsection (a) ceases to be applicable to military construction in support of the transfer of a function to an installation on the 60th day following the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a notification of the proposed transfer that—

(1) identifies the installation to which the function is to be transferred; and

(2) includes the justification for the transfer to such installation.

(c) DEFINITION.—In this section:

(1) The term "1990 base closure Act" 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).

(2) The term "Defense Base Closure Account 1990" means the account established under section 2906 of the 1990 base closure Act.

SEC. 2814. EVALUATION AND REPORT ON PROPOSALS FOR PURCHASE OR LEASE OF CERTAIN FACILITIES, ARLINGTON, VIRGINIA.

(a) EVALUATION.—(1) The Secretary of the Navy shall evaluate the proposals referred to in paragraph (2) for leasing or purchasing for the Navy any of the buildings described in paragraph (3).

(2) Under paragraph (1), the Secretary shall consider proposals presented to the Secretary the proposals that were presented to the 1993 Defense Base Closure and Realignment Commission regarding the building described in paragraph (3).

(3) The buildings referred to in paragraphs (1) and (2) are buildings located in Arlington, Virginia, that are currently leased by the Navy under leases that will terminate as a result of the transfer of Navy functions from such buildings under the base closure process.

(b) REPORT.—(1) The Secretary shall submit to the congressional defense committees a report on the evaluation required under subsection (a). The report shall include the following:

(A) An assessment of the reasonableness of each proposal in light of market conditions at the time of the report.

(B) A comparison of the cost of retaining the functions referred to in subsection (a)(1) at the buildings referred to in that subsection through the lease or purchase of such buildings with the cost of transferring such functions in accordance with the base closure process.

(C) An assessment of the impact on the military capabilities of the Navy of retaining the Naval Systems Command in close proximity to the Pentagon.

(2) The Secretary shall submit the report not later than 180 days after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section,

(1) The term "base closure process" means the process for selecting military installations for closure or realignment established 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) The term "1993 Defense Base Closure and Realignment Commission" means the commission appointed in 1993 under section 2902 of such Act.

SEC. 2815. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.

(a) ANNUAL REPORTS.—Subsection (a) of section 1304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1), by inserting "by installation" after "basing plan";

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the status of negotiations, if any, between the United States and the host government as to United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and to any claims of the host government for damages or restoration of the installation, including the representative of the United States in any such negotiations;";

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs (5) and (6):

"(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

"(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and".

(b) OMB REVIEW OF PROPOSED SETTLEMENTS.—Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(g) OMB REVIEW OF PROPOSED SETTLEMENTS.—The Secretary of Defense may not enter into an agreement of settlement with a host country regarding the release to the host country of improvements made by the United States at facilities at an installation until the Secretary submits the proposed settlement to the Director of the Office of Management and Budget and 30 days elapse after the date of such submittal. The Director shall evaluate the overall equity of the proposed settlement. In evaluating the proposed settlement, the Director shall consider such factors as the extent of the United

States capital investment in the improvements being released to the host country, depreciation, the condition of the improvements, and any applicable requirements for environmental remediation or restoration.".

SEC. 2816. JUSTIFICATION OF RECOMMENDATIONS FOR CLOSURE OR REALIGNMENT OF INSTALLATIONS PREVIOUSLY CONSIDERED FOR CLOSURE OR REALIGNMENT.

(a) REQUIREMENT.—(1)(A) The Secretary of Defense shall include with the recommendation of the Secretary for the closure or realignment under a base closure law of an installation referred to in subparagraph (B) the justification described in paragraph (2).

(B) An installation referred to in subparagraph (A) is any installation recommended by the Secretary of Defense for closure or realignment under a base closure law in a year before the date of the enactment of this Act and not recommended for closure or realignment by a base closure and realignment commission in its recommendations for closure and realignment in that year by reason of the failure of the Secretary's recommendation to meet the criteria or force structure plan, as the case may be, upon which the Secretary's recommendation was based.

(2) A justification referred to in paragraph (1) shall include—

(A) an explanation of—

(i) the manner, if any, in which the recommendation of the Secretary for the closure or realignment of an installation referred to in paragraph (1)(A) is the direct result of—

(I) an amendment to the criteria used by the Secretary in making the recommendation since the Secretary's previous recommendation; or

(II) changes in the force-structure plan (or other military requirements) since such previous recommendation; and

(B) the manner, if any, in which the making of such recommendation in accordance with such amendment or changes eliminates the failure referred to in paragraph (1)(B); or

(2) in the event that such recommendation is not the direct result of such amendment or changes, an explanation of the manner in which such recommendation addresses the failure referred to in paragraph (1)(B).

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) 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).

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

SEC. 2817. EMPLOYMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) IN GENERAL.—(1) The Secretary of Defense may, in keeping with the cost saving and cleanup schedule goals of the Department of Defense with respect to the closure of military installations—

(A) provide such training to the personnel described in paragraph (2) as the Secretary determines necessary in order to qualify such personnel to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed pursuant to a base closure law; and

(B) employ such personnel to carry out such activities, or require contractors engaged in carrying out such activities to employ such personnel.

(2) The personnel referred to in paragraph (1) are Department of Defense civilian personnel whose employment would be terminated (except for the employment of such personnel under paragraph (1)) by reason of the closure of a military installation pursuant to a base closure law.

(3) This subsection shall not be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations referred to in paragraph (1)(A).

(b) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under subsection (a) to persons employed at any military installation whose closure pursuant to a base closure law will directly result in the termination of the employment of at least 1,000 Department of Defense civilian employees.

(c) FUNDING.—Notwithstanding any other provision of law, the Secretary may carry out the training and employment referred to in subsection (a) using funds available for environmental training in addition to funds in the following accounts:

(1) The Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Department of Defense Base Closure Account 1990 established under section 2906 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).

(d) DEFINITION.—In this section, the term "base closure law" means the following:

(1) 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).

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

SEC. 2818. REPORTS ON COSTS OF THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.-

(a) ESTIMATED COSTS OF CLOSURES AND REALIGNMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the costs (other than costs related to environmental restoration and remediation) estimated at the time of the report of the closure or realignment of any military installation referred to in paragraph (2) under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) as follows:

(A) Not later than 6 months after the date of the enactment of this Act, in the case of such installations approved for closure or realignment under such Act in 1991 and not closed or realigned on such date.

(B) Not later than January 1, 1995, in the case of such installations approved for closure or realignment under such Act in 1993.

(2) A military installation referred to in paragraph (1) is an installation whose closure or realignment results in the termination of employment at the installation of not less than 1,000 Department of Defense civilian employees.

(b) EXCESS COSTS.—If the costs (other than costs related to environmental restoration and remediation) to be incurred by the Secretary in carrying out the closure or realignment under a base closure law of a military installation referred to in subsection (a) exceeds by more than 50 percent the costs estimated for such closure or realignment in the cost estimate prepared by the Secretary in recommending the installation for closure or realignment—

(1) the Secretary shall notify the Comptroller General that the costs of such closure or realignment will exceed such estimated costs; and

(2) not later than 6 months after the date of such notification, the Comptroller General shall submit to such committees a detailed audit of the costs to be incurred by the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such costs estimate.

(c) ANNUAL REPORT ON EXCESS COSTS.—(1) The Secretary shall submit to the congressional defense committees an annual report on the estimated costs of activities related to the closure or realignment, as the case may be, of each installation for which the Secretary makes the determination referred to in subsection (b).

(2) Each report under paragraph (1) shall include—

(A) an estimate of the costs to be incurred by the Secretary in completing the closure or realignment, as the case may be, of the installation; and

(B) if the amount of such costs exceed the amount of estimated costs for such completion in the report on the installation submitted under this section in the previous year, an explanation of such excess.

(3) The Secretary shall submit the report required under paragraph (1) at the same time as the President submits to Congress the budget for the Department of Defense under section 1105 of title 31, United States Code. The Secretary shall submit a report for each installation referred to in that paragraph until the completion of the closure or realignment, as the case may be, of such installation.

(d) REQUIREMENT RELATING TO REPORTS.—Costs shall be expressed in each report required under this section in constant fiscal year 1993 dollars.

(e) DEFINITION.—In this section, the term "base closure law" means the following:

(1) 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).

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

SEC. 2819. CONSULTATION REQUIREMENT FOR LOCAL REUSE AUTHORITIES AND GOVERNMENTS.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2907, is further amended by adding at the end the following new subparagraphs (I) and (J):

"(I) Subject to subparagraph (J), the local reuse authority with respect to a military installation closed under this part, or the local government in whose jurisdiction the installation is wholly located, as the case may be, shall certify to the Secretary that such authority or government, as the case may be, has consulted in the efforts of such authority or government on such plan and, to the maximum extent practicable, included in such efforts the following:

"(i) The civilian employees of the Department of Defense at such installation.

"(ii) The regional and local chambers of commerce, if any, in such vicinity of the installation.

"(iii) Appropriate representatives of any governmental entity in the region in which such installation is located, if the number of employees of such installation on the date of

the approval of closure of such installation constitutes more than 5 percent of the total civilian workforce of the area under the jurisdiction of such governmental entity.

"(J)(i) The certification required under subparagraph (I) shall be submitted, in the case of installations approved for closure under this part for which no reutilization and redevelopment plan has been submitted to the Secretary on or before the date of the enactment of this Act, before the submittal of such plans for such installations.

"(ii) Each local reuse authority or local government, as the case may be, that has submitted an interim reutilization and redevelopment plan to the Secretary under this part on or before the date of the enactment of this Act shall submit a certification to the Secretary under subparagraph (I) before the submittal of its final reutilization and redevelopment plan.".

Subtitle C—Land Transactions

SEC. 2831. CONVEYANCE OF NATURAL GAS DISTRIBUTION SYSTEM, FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Washington Gas Company, Virginia (in this section referred to as "Washington Gas Company"), all right, title, and interest of the United States in and to the natural gas distribution system described in paragraph (2).

(2) The natural distribution gas system referred to in paragraph (1) is the natural gas distribution system, located at Fort Belvoir, Virginia, consisting of approximately 15.6 miles of natural gas distribution lines and the equipment, fixtures, structures, and other improvements owned and utilized by the Federal Government at Fort Belvoir in order to provide natural gas to and distribute natural gas at Fort Belvoir. The natural gas distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Washington Gas Company the following easements relating to the conveyance of the natural gas distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to provide access to the natural gas distribution system for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the natural gas distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the natural gas distribution system authorized in subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the natural gas distribution system authorized by subsection (a) is subject to the following conditions:

(1) That Washington Gas Company provide natural gas to and distribute natural gas at Fort Belvoir at a rate that is no less favorable than the rate Washington Gas Company would charge a public or private consumer of natural gas similar to Fort Belvoir for the provision and distribution of natural gas.

(2) That Washington Gas Company maintain, repair, conduct safety inspections, and conduct leak test surveys required for the natural gas distribution system.

(3) That Washington Gas Company, at no cost to the Federal Government, expand and upgrade the natural gas distribution system as necessary to meet the increasing needs of Fort Belvoir for natural gas that will result from conversion, to the extent anticipated by the Secretary at the time of conveyance, of oil-burning utilities at Fort Belvoir to natural gas-burning utilities.

(4) That Washington Gas Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing natural gas to Fort Belvoir through the natural gas distribution system.

(5) That Washington Gas Company not commence any expansion of the natural gas distribution system without approval of such expansion by the commander of Fort Belvoir.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Washington Gas Company in accordance with subsection (d) is at least equal to the fair market value of the natural gas distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Washington Gas Company is not complying with the conditions set forth in subsection (d), all right, title, and interest of Washington Gas Company in and to the natural gas distribution system conveyed pursuant to subsection (a), including improvements thereto and any modifications made to the system by Washington Gas Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate possession, including the right to operate the system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment, fixtures, structures, and improvements to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Washington Gas Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. CONVEYANCE OF WATER DISTRIBUTION SYSTEM, FORT LEE, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the American Water Company, Virginia (in this section referred to as "American Water Company"), all right, title, and interest of the United States in and to the water distribution system described in paragraph (2).

(2) The water distribution system described in paragraph (1) is the water distribution system located at Fort Lee, Virginia, consisting of approximately 7 miles of transmission lines, 85 miles of distribution and service lines, fire hydrants, elevated storage tanks, pumping stations, and other improvements, owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Lee. The water distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to American Water Company the following easements relating to the conveyance of the water distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and American Water Company jointly determine are necessary in order to provide for access by American Water Company to the water distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and American Water Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized by subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the water distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That American Water Company provide water to and distribute water at Fort Lee at a rate that is no less favorable than the rate American Water Company would charge a public or private consumer of water similar to Fort Lee for the provision and distribution of water.

(2) That American Water Company maintain, repair, and conduct safety inspections of the water distribution system.

(3) That American Water Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing water at Fort Lee through the water distribution system.

(4) That American Water Company not commence any expansion of the water distribution system without approval of such expansion by the commander of Fort Lee.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by American Water Company in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that American Water Company is not complying with the conditions specified in subsection (d), all right, title, and interest of American Water Company in and to the water distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by American Water Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the immediate right to operate the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the water distribution system to be conveyed pursuant to subsection (a), including any easements granted with respect to such system under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by American Water Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. CONVEYANCE OF WASTE WATER TREATMENT FACILITY, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon, located at Fort Pickett, Virginia.

(b) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town design and carry out such expansion or improvement of the waste water treatment facility as the Secretary and the Town jointly determine necessary in order to ensure operation of the facility in compliance with all applicable Federal and State environmental laws (including any permit or license requirements).

(2) That the Town operate the waste water treatment facility in compliance with such laws.

(3) That the Town provide disposal services, waste water treatment services, and other related services to Fort Pickett at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Fort Pickett for the provision of such services.

(4) That the Town reserve 75 percent of the operating capacity of the waste water treatment facility for use by the Army in the event that such use is necessitated by a realignment or change in the operations of Fort Pickett.

(5) That the Town accept liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any environmental restoration or remediation required at the facility by reason of the provision of waste water treatment services at the facility to entities other than the Army.

(c) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the waste water treatment facility conveyed pursuant to subsection (a).

(d) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (b), all right, title, and interest in and to the real property (including the waste water treatment system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the waste water treatment system.

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

(f) ENVIRONMENTAL COMPLIANCE.—(1) The Town shall be responsible for compliance with all applicable environmental laws and regulations, including any permit or license requirements. The Town shall also be responsible for executing and constructing environmental improvements to the plant as required by applicable law.

(2) The Secretary, subject to the availability of appropriated funds, and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity as determined by the Secretary under subsection (c).

(3) The Secretary of the Army shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. CONVEYANCE OF WATER DISTRIBUTION SYSTEM AND RESERVOIR, STEWART ARMY SUBPOST, NEW YORK.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of New Windsor, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at the Stewart Army Subpost, New York:

(A) A parcel of real property consisting of approximately 7 acres, including a reservoir and improvements thereon, the site of the Stewart Army Subpost water distribution system.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are owned and utilized by the Federal Government in order to provide water to and distribute water at Stewart Army Subpost.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of that subsection for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized in subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town provide water to and distribute water at Stewart Army Subpost at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Stewart Army Subpost for the provision and distribution of water.

(2) That the Town operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(3) That the Town not commence any expansion of the water distribution system without approval of such expansion by the commander of Stewart Army Subpost.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (d), all right, title, and interest of the Town in and to the property (including the water distribution system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the water distribution system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence, shall be borne by the Town.

(h) ENVIRONMENTAL CLEANUP.—The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance authorized under subsection (a) and the easements granted under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LEASE OF REAL PROPERTY, CAMP PENDLETON MARINE CORPS BASE, CALIFORNIA.

(a) AUTHORITY TO ENTER INTO LEASE.—(1) The Secretary of the Navy may lease to Tri-Cities Municipal Water District, California (in this section referred to as the "District"), a special governmental district of the State of California, such parcels (including sub-surface portions of such parcels) of real property located in the vicinity of the lower San Mateo Water Basin, in the northern portion of Camp Pendleton Marine Corps Base, California, as the Secretary determines will meet the requirement set forth in paragraph (2).

(2) The lease authorized in paragraph (1) shall permit the District—

(A) to develop, operate, and maintain water extraction facilities on the parcels subject to the lease; and

(B) to provide water and water distribution services for the District and for the northern portion of Camp Pendleton Marine Corps Base in a manner mutually beneficial to the District and Camp Pendleton Marine Corps Base (as jointly determined by the Secretary and the District).

(3) The lease shall be for such period not longer than 50 years as the Secretary determines to be in the best interests of the United States.

(b) CONSIDERATION.—As consideration for the lease authorized by subsection (a)—

(1) the District shall—

(A) construct, operate, and maintain on the property subject to the lease such improvements as the Secretary and the District jointly determine to be necessary in order to

ensure that water is delivered to and stored in the lower San Mateo Water Basin so as to provide a sustained source of water sufficient for the purposes of Camp Pendleton Marine Corps Base and the District; and

(B) operate and maintain the water extraction, storage, and distribution system (including any infrastructure associated with such system) located within the northern portion of Camp Pendleton Marine Corps Base; and

(2) in the event that the fair market value of the interests leased by the Secretary under subsection (a)(1) exceeds the fair market value (as so determined) of the actions taken by the District under paragraph (1) of this subsection, the District shall pay or provide in-kind services to the United States in an amount or value, as the case may be, that is equal to such excess amount.

(c) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels to be leased pursuant to subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the lease under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Jersey Central Power and Light Company, New Jersey (in this section referred to as "Jersey Central"), all right, title, and interest of the United States in and to the electricity distribution system described in paragraph (2).

(2) The electricity distribution system referred to in paragraph (1) is the electricity distribution system located at Fort Dix, New Jersey, consisting of approximately 145.6 miles of electricity distribution lines, electricity poles, transformers, electricity substations, and other electricity distribution improvements owned and utilized by the Federal Government in order to provide electricity to and distribute electricity at Fort Dix. The electricity distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Jersey Central the following easements relating to the conveyance of the electricity distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Jersey Central jointly determine are necessary in order to provide for the access by Jersey Central to the electricity distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Jersey Central jointly determine are necessary in order to satisfy the requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the electricity distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electricity distribution system authorized by subsection (a) unless Jersey Central agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the electricity distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That Jersey Central provide electricity to and distribute electricity at Fort Dix at a rate that is no less favorable than the rate Jersey Central would charge a public or private consumer of electricity similar to Fort Dix for the provision and distribution of electricity.

(2) That Jersey Central carry out safety upgrades to permit the distribution system to carry electricity at up to 13,800 volts.

(3) That Jersey Central improve the electricity distribution system by installing additional lightning protection devices in such a manner as to permit the installation of air conditioning in family housing units.

(4) That Jersey Central maintain and repair, and conduct safety inspections and power factor surveys, of the electricity distribution system.

(5) That Jersey Central comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing electricity at Fort Dix through the electricity distribution system.

(6) That Jersey Central not commence any expansion of the electricity distribution system without approval of such expansion by the commander of Fort Dix.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Jersey Central in accordance with subsection (d) is at least equal to the fair market value of the electricity distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Jersey Central is not complying with the conditions specified in subsection (d), all right, title, and interest of Jersey Central in and to the electrical distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by Jersey Central after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right to operate the electricity distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the electricity distribution system to be conveyed pursuant to subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Jersey Central.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. MODIFICATION OF TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) CONSIDERATION.—Subsection (b) of section 2846 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2623) is amended by striking out "aggregate" and all that follows through "subsection (a)(2)" and inserting in lieu thereof "lesser of the cost of expanding the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in accordance with subsection (c)(1), or $3,000,000".

(b) USE OF FUNDS.—Subsection (c) of such section is amended—

(1) by striking out paragraph (2);

(2) in paragraph (1), by striking out "(1)(A) Subject to the availability of appropriations for this purpose and subparagraph (B)," and inserting in lieu thereof "(1) Subject to paragraph (2),";

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) in paragraph (2), as so designated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) LEASEBACK OF FACILITIES.—Such section 2846 is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) LEASEBACK OF FACILITIES.—The Secretary may lease from the Institute, at fair market rental value, the facilities referred to in subsection (a)(2) after the sale of such facilities referred to in that subsection. The term of such lease may not exceed 2 years.".

SEC. 2838. CONVEYANCE OF RADAR BOMB SCORING SITE, CONRAD, MONTANA.

(a) CONVEYANCE.—The Secretary of the Air Force may convey, without consideration, to the City of Conrad, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 42 acres located in Conrad, Montana, which has served as a support complex, recreational facilities, and family housing for the Radar Bomb Scoring Site, Conrad, Montana, together with any improvements thereon.

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

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with subsection (b) all right, title, and interest in and to the property conveyed pursuant to such subsection (a), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such 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 this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2839. FINANCIAL ASSISTANCE FOR IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) ASSISTANCE AUTHORIZED.—The Secretary of the Air Force may provide financial assistance, out of any funds available for the Air Force for fiscal years after fiscal year 1993, to the Flood Control District of Maricopa County, Arizona (in this section referred to as "the Flood Control District"), in order to assist the Flood Control District in widening Dysart Channel and making such other improvements of Dysart Channel that the Secretary and the Flood Control District jointly determine are necessary to prevent

the flooding of Luke Air Force Base, Arizona.

(b) MAXIMUM AMOUNT.—The total amount of the financial assistance provided under this section may not exceed the lesser of—

(1) an amount equal to 50 percent of the total cost (as determined by the Secretary) of widening Dysart Channel and making the other improvements referred to in subsection (a); or

(2) $6,000,000.

(c) CONSIDERATION.—As consideration for the financial assistance provided pursuant to subsection (a), the Flood Control District shall convey to the United States all right, title, and interest of the Flood Control District in and to the real property, if any, acquired by the Flood Control District in widening Dysart Channel and making the other improvements referred to in subsection (a).

(d) ASSISTANCE AGREEMENT.—The Secretary may not provide the financial assistance referred to in subsection (a) unless—

(1) the Secretary and the Flood Control District enter into an agreement allocating between the Air Force and the Flood Control District the costs of widening Dysart Channel and making the other improvements referred to in subsection (a);

(2) the Flood Control District agrees to hold harmless, defend, and indemnify in full the Air Force, and any of its officers, members, employees, or agents, from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of the actions taken by the Flood Control District in widening Dysart Channel and making the other improvement referred to in subsection (a); and

(3) the Flood Control District agrees not to acquire any real property in widening Dysart Channel and making the other improvements referred to in subsection (a) without the advance approval of the Secretary.

(e) PROJECT DESIGN AND EXECUTION.—The Flood Control District shall establish the requirements applicable to widening Dysart Channel and making the other improvements referred to in subsection (a) and shall undertake responsibility for the timely execution of such widening and other improvements.

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

SEC. 2840. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) LAND CONVEYANCE.—The Secretary of the Navy may convey to Broward County, Florida (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 improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—The County shall provide the United States with consideration for the conveyance under subsection (a) that is equal to at least the fair market value of the property conveyed. The County may provide that consideration by either of the following methods, as elected by the County:

(1) Constructing (or paying the costs of constructing) at a location selected by the Secretary within Broward County, Florida, a suitable facility to replace the improvements conveyed under subsection (a).

(2) Paying to the United States an amount equal to the fair market value of the parcel of property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO ELECTION.—If the County elects to construct (or pay the costs of construction) of a replacement facility under subsection (b)(1), the County shall pay to the United States the amount, if any, by which the fair market value of the property conveyed under subsection (a) exceeds the fair market value of the replacement facility.

(d) REPLACEMENT FACILITY.—If the County elects to pay the fair market value of the real property under subsection (b)(2) as consideration for the conveyance authorized under subsection (a), the Secretary shall use the amount paid by the County to construct a suitable facility to replace the improvements conveyed under subsection (a).

(e) USE OF PROCEEDS.—The Secretary shall deposit any amount paid to the United States under this section and not used for the purposes of constructing a replacement facility under subsection (d) in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and of the improvements, if any, constructed under subsection (b)(1). Such determination shall be final.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the County.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. LAND TRANSFER, WOODBRIDGE RESEARCH FACILITY, VIRGINIA.

(a) REQUIREMENT OF TRANSFER.—Notwithstanding any other provision of law, the Secretary of the Army shall transfer, without reimbursement, to the Department of the Interior, a parcel of real property consisting of approximately 580 acres and comprising the Harry Diamond Army Research Laboratory, Woodbridge Research Facility, Virginia, together with any improvements thereon. The transfer shall occur no later than September 30, 1994.

(b) USE OF TRANSFERRED PROPERTY.—The Secretary of the Interior shall incorporate the real property transferred under subsection (a) into the Marumsco National Wildlife Refuge, Virginia.

(c) ENVIRONMENTAL RESPONSIBILITY.—The Secretary of the Army shall retain responsibility for any environmental restoration or remediation required at the real property transferred under subsection (a).

SEC. 2842. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a) the Railway shall pay to the United States on amount equal to the fair market value of the property as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(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 such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2843. AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

The Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use.

SEC. 2844. CONVEYANCE OF LAND IN FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) AUTHORIZATION.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may, subject to subsection (c), convey to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana, all right, title, and interest of the United States to such property.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions for the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of enactment of this Act.

SEC. 2845. LAND TRANSFER, FORT SHERIDEN, ILLINOIS AND ARLINGTON COUNTY, VIRGINIA.

The Secretary of Defense shall review, and shall provide a report of such review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 24, 1993, a proposed transfer of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, located at Fort Sheridan, Illinois, for a parcel of real estate, consisting of approximately 7.1 acres, located in Arlington County, Virginia and commonly known as the "Twin Bridges" parcel, including the proposal to utilize the "Twin Bridges" parcel for the purpose of constructing and operating the National Museum of the United States Army, utilizing solely donated funds for the construction and operation of such museum.

Subtitle D—Other Matters

SEC. 2851. REPORTS ON ECONOMIC AND ENVIRONMENTAL EFFECTS OF TRANSFER OF MINE WARFARE CENTER OF EXCELLENCE.

(a) SUBMITTAL OF EIS.—The Secretary of the Navy shall, upon completion of the environmental impact statement with respect to the construction and operation of the Mine Warfare Center of Excellence at Ingleside, Texas, submit a copy of such environmental impact statement to the congressional defense committees.

(b) MATTERS TO BE COVERED IN EIS.—The Secretary shall ensure that the environmental impact statement referred to in subsection (a) includes an analysis of the environmental impact of the construction and operation at Ingleside, Texas, of the following Mine Warfare Center of Excellence facilities:

(1) A magnetic silencing facility.

(2) A small boat pier.

(3) A support pier for a helicopter and sled.

(4) A drill-mine field for mine warfare training.

(c) ECONOMIC ASSESSMENT.—At the same time that the Secretary submits the environmental impact statement under subsection (a), the Secretary shall submit to the congressional defense committees an assessment by the Secretary of the cost to the Navy of consolidating the Navy mine warfare forces at Ingleside, Texas. The report shall include a comparison of such cost with the cost of consolidating such forces at alternative locations.

(d) SUSPENSION OF CERTAIN ACTIVITIES PENDING RECEIPT OF REPORT AND ASSESSMENT.—(1) The Secretary may not take any action after July 31, 1993, to relocate any of the Navy mine warfare forces to Ingleside, Texas, until 60 days after the date of the submittal of the environmental impact statement under subsection (a) and the economic assessment under subsection (c).

(2) Paragraph (1) does not apply to the relocation of Navy mine countermeasure ships.

SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN FOR DEPARTMENT OF DEFENSE VACCINE PRODUCTION FACILITY.

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1994 may be obligated for architectural and engineering services or for construction design in connection with the Department of Defense vaccine production facility.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report containing a complete explanation of the necessity for constructing within the United States a Department of Defense facility for the production of vaccine for the Department of Defense.

SEC. 2853. GRANT RELATING TO ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL, FORT BELVOIR, VIRGINIA.

(a) GRANT AUTHORIZED.—The Secretary of the Army may make a grant to the Fairfax County School Board, Virginia, in order to assist the School Board in constructing a public elementary school facility, to be owned and operated by the School Board, in the vicinity of Fort Belvoir, Virginia.

(b) CAPACITY REQUIREMENT.—The school facility constructed with the grant made under subsection (a) shall be sufficient (as determined by the Secretary) to accommodate the dependents of members of the Armed Forces assigned to duty at Fort Belvoir and the dependents of employees of the Department of Defense employed at Fort Belvoir.

(c) MAXIMUM AMOUNT OF GRANT.—The amount of the grant under this section may not exceed $8,000,000.

(d) REQUIREMENTS RELATING TO CONSTRUCTION OF SCHOOL.—(1) The Fairfax County School Board shall establish the design and function specifications applicable to the elementary school facility constructed with the grant made under this section.

(2) The Fairfax County School Board shall be responsible for soliciting bids and awarding contracts for the construction of the school facility and shall undertake responsibility for the timely construction of the school facility under such contracts.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the grant authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 per centum of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

SEC. 2855. STUDY OF EFFECTS OF AIR FORCE ACTIVITIES ON DUCK VALLEY RESERVATION.

(a) STUDY.—The Secretary of the Air Force shall carry out a study to determine—

(1) the effects on Air Force operations of a requirement that overflights of the Duck Valley Reservation of the Shoshone-Paiute Tribes occur no lower than 15,000 feet above ground level of such reservation;

(2) the effects on such operations of a requirement that no military activities occur within such reservation or the area within 15 miles of the boundary of such reservation; and

(3) whether such operations can be carried out within the areas referred to in paragraph (2) in accordance with the following:

(A) The provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(B) The provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) REPORT.—The Secretary shall submit to Congress the report required under subsection (a) not later than 120 days after the date of the enactment of this Act.

SEC. 2856. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by substituting "Administrator of General Services" for "Secretary of the Air Force";

(2) in subsection (a)(2), by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."; and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and revising the single paragraph thereof to read as follows:

"(b)(1) The Administrator shall convey, for fair market value, the interest of the United States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons described in paragraph (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Administrator shall transmit a notice of the availability of such interest to each such person or persons.".

(B) by adding at the end the following new paragraph:

"(2)(A) In the case of a tract of land surrounded by lands that are adjacent to such tract and are owned separately by two or more owners, the Administrator shall dispose of that tract of land in accordance with this paragraph.

"(B) The Administrator shall conduct a sealed bid competitive sale at which all of such owners are afforded the opportunity to compete to acquire the interest of the United States in such tract. The Administrator shall restrict to the owners of the adjacent lands the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to paragraph (C), the Administrator shall convey the interest of the United States in the tract to the highest bidder.

"(D) The Administrator shall satisfy the requirements of paragraph (1) regarding notice, fair market value, and the qualifications of the purchaser in disposing of the tract in accordance with the results of the sealed bid competitive sale.

"(E) If all bids received by the Administrator pursuant to subparagraph (A) are less than the fair market value of the tract of land, the tract of land shall be disposed of in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

(4) In subsection (c), by substituting "Administrator" for "Secretary";

(5) In subsection (e), by substituting "Secretary of the Air Force" for "Secretary" as it first appears in the subsection and by substituting "Administrator" for "Secretary" as it last appears in the subsection; and

(6) In subsection (f), by substituting "Administrator" for "Secretary".

TITLE XXIX—BASE CLOSURE ASSISTANCE

SEC. 2901. SHORT TITLE.

This title may be cited as the "Base Closure Communities Act of 1993".

SEC. 2902. FINDINGS.

Congress makes the following findings:

(1) The closure and realignment of military installations within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A military installation is a significant source of employment for many communities, and the closure or realignment of an installation may cause economic hardship for such communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as a result of the closure or realignment of a military installation.

(4) The Federal Government may facilitate the economic recovery of a community by preventing or reducing the loss of jobs that might otherwise occur as a result of such a closure or realignment.

(5) It is in the interest of the United States that the Federal Government work with communities that experience adverse economic circumstances as the result of the closure of military installations to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner.

(6) The Federal Government may provide such assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations, in a manner that best ensures the beneficial reutilization or redevelopment of such installations by such communities.

(7) The Federal Government may best ensure such reutilization and redevelopment by making available real and personal property of the closing military installations to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

SEC. 2903. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

Section 2905(b)(2) 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—

(1) in subparagraph (A), by striking out "Subject to subparagraph (C)," and inserting in lieu thereof "Subject to subparagraphs (C), (F), and (G),"; and

(2) by adding at the end the following:

"(F)(i) Not later than 6 months after the date of approval of closure of an installation, the Secretary of Defense shall, in consultation with the local reuse authority recognized and funded by the Secretary, identify the items (or categories of items) of personal property related to real property on that installation that is anticipated to be included in a reutilization and redevelopment plan with respect to such installation. Such items may include common use items.

"(ii) If no local reuse authority recognized and funded by the Secretary exists with respect to a military installation referred to in clause (i), the Secretary shall consult with—

"(I) the local government in whose jurisdiction the installation is wholly located; or

"(II) a local government agency or State government agency designated for the purpose of such consultation by the chief executive office of that State.

"(iii) Except as provided in clauses (vi) and (vii), the Secretary of Defense may not carry out any of the activities referred to in clause (iv), until the earlier of—

"(I) one week after the date on which the reutilization and redevelopment plan, if any, for the installation is submitted to the Secretary by the local reuse authority;

"(II) the date on which the local reuse authority notifies the Secretary that it will not submit a plan referred to in subclause (I);

"(III) twenty-four months after the date of approval of closure or realignment of the installation; or

"(IV) ninety days before the closure of the installation.

"(iv) The activities referred to in clause (iii) are activities relating to the closure of a military installation as follows:

"(I) The transfer from the installation of items of personal property identified in accordance with clause (i).

"(II) The reduction in maintenance and repair of facilities or equipment of the installation below levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(v) The Secretary may not transfer items of personal property on an installation to be closed or realigned under this part to another installation, or dispose of such items, if they are identified in a reutilization and redevelopment plan for the installation submitted to the Secretary by a local reuse authority as items essential to the reuse of the installation.

"(vi) This subparagraph shall not apply to any personal property—

"(I) that is required for the operation of a unit or weapons system being transferred to another installation;

"(II) that is uniquely military in character, and has no civilian use (other than use for its material content or as a source of commonly used components); or

"(III) that the local reuse authority agrees is not required in connection with the reutilization or redevelopment of an installation to be closed.

"(vii) Notwithstanding clauses (iii) and (v), the Secretary may carry out any of the activities referred to in clauses (iv) and (v) if the Secretary determines that such activities are in the national security interest of the United States.".

SEC. 2904. AUTHORITY TO TRANSFER PROPERTY AT CLOSED OR REALIGNED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

Section 2905(b)(2) 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), as amended by section 2903, is further amended by adding at the end the following:

"(G)(i) The Secretary of Defense may, under regulations prescribed by the Secretary that set forth guidelines for determining consideration, transfer real property or facilities and any personal property related thereto (including common use items of personal property) located at a military installation to be closed or realigned under this part to—

"(I) the redevelopment authority of a community that is located near the installation, if such redevelopment authority is authorized to accept the transfer;

"(II) the redevelopment authority of the State in which the installation is located, if such redevelopment authority is authorized to accept the transfer; or

"(III) any other public entity selected for such transfer by the Secretary.

"(ii) The transfer under this subparagraph may be for consideration, without consideration, for consideration in kind, or for consideration at or below the fair market value of the real property, facilities, or personal property transferred.

"(iii) The transfer under clause (i) may not take place until the redevelopment authority or other public entity selected by the Secretary for the transfer has taken into consideration in the reutilization and redevelopment plan for the military installation to be closed or realigned the needs of the homeless in the community or communities affected by such closure and has reasonably provided for such needs in such plan. All transfers shall be in accord with section 120(h) of CERCLA.".

SEC. 2905. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—(1) Section 2667(f) of title 10, United States Code, is amended by inserting "or local reuse authorities recognized by the Secretary of Defense" after "governments".

(2) Section 2667 of such title is amended by adding at the end the following:

"(g)(1) Notwithstanding paragraph (3) of subsection (a) and title II of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481 et seq.), whenever the Secretary of a military department concerned considers it advantageous to the United States, the Secretary concerned may lease to any lessee, upon any terms that the Secretary concerned considers appropriate, any real and related personal property (including common use items of personal property) that is located at a military installation that has been selected for closure under the following provisions of law:

"(A) 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).

"(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).

"(2)(A) The Secretary concerned may provide, in the case of the lease of property referred to in paragraph (1), for the payment (in cash or kind) by the lessee of consideration in an amount that is less than the fair market rental of the leasehold interest. Services relating to the protection and maintenance of the property leased may constitute all or part of such consideration.

"(B) The term of a lease under this paragraph may be for such number of years as the Secretary concerned determines appropriate.

"(C) A lease under this paragraph may include an option to purchase the property

subject to the lease. Such option shall be exercisable upon the termination of the lease and shall be for a price, fixed in the lease, that the Secretary concerned considers likely to represent fair market value of the property subject to the option at the anticipated date of termination of the lease. The exercise of such option shall be in accordance with section 120(h) of CERCLA.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental conditions at the property proposed for leasing permit the lease of the property. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.

"(4)(A) The Secretary of Defense shall, in regulations prescribed by the Secretary, permit the payment by the Secretary concerned of the administrative costs (including any administrative costs of the Department of Defense or of contractors of the department) relating to the entry of a lessee described in subparagraph (B) into a lease under this subsection.

"(B) A lessee referred to in subparagraph (A) is any lessee whose financial circumstances are such that the payment of costs under this paragraph is necessary to facilitate the entry of the lessee into the lease.

"(C) The regulations prescribed under this paragraph shall provide for determining whether a lessee is entitled to the payment of costs under this paragraph.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of section 2667 of title 10, United States Code, is amended to read as follows:

"§ 2667. Leases: non-excess property; property at installations to be closed".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property; property at installations to be closed.".

(c) REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in section 2667(g)(3)(A) of title 10, United States Code (as added by subsection (a)), not later than 30 days after the date of the enactment of this Act.

SEC. 2906. DELEGATION OF AUTHORITY TO ENTER INTO LEASES OF CERTAIN PROPERTY.

The Secretary of Defense shall, in regulations prescribed by the Secretary, provide for the delegation of the authority of the Secretary to enter in leases under section 2667(g) of title 10, United States Code (as amended by section 2905(a)). The regulations shall specify one or more officials to whom such authority shall be delegated. The Secretary shall prescribe such regulations not later than 30 days after the date of the enactment of this Act.

SEC. 2907. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) EXPEDITED DETERMINATION OF TRANSFERABILITY.—Section 2905(b)(2) 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), as amended by section 2904, is further amended by adding at the end the following:

"(H)(i) Except as provided in clause (ii), the Secretary of Defense shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of an installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(ii) The Secretary may, in consultation with the local reuse authority with respect to an installation, postpone the making of the final determinations referred to in clause (i) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation.".

(b) APPLICABILITY.—The Secretary of Defense shall make the determination required under section 2905(b)(2)(H) of such Act, as amended by subsection (a), in the case of installations whose date of approval of closure occurred more than 6 months before the date of the enactment of this Act, and which are not closed within 6 months of such date, not later than 6 months after such date.

SEC. 2908. AVAILABILITY OF PROPERTY AND SERVICES FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2667 note) is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to installations closed or realigned under this part.

"(B)(i) Not later than 30 days after the date of approval of closure or realignment of an installation under this part, the Secretary of Defense shall submit to the Secretary of Housing and Urban Development information with respect to the buildings and other real property located at the installation that satisfies the requirements for quarterly requests for information of the Secretary of Housing and Urban Development under subsection (a) of section 501 of such Act (42 U.S.C. 11411).

"(ii) Not later than 60 days after the date referred to in clause (i), the Secretary of Housing and Urban Development shall identify the buildings and other real property at the installation that meet the requirement of the third sentence of such subsection (a) and notify the Secretary of Defense of such identification.

"(iii) Not later than 15 days after the date referred to in clause (ii), the Secretary of Housing and Urban Development shall publish in accordance with subsection (c) of such section a list of the buildings and other real property identified under clause (ii).

"(iv)(I) Buildings and other real property included in the list published under clause (iii) shall remain available to assist the homeless in accordance with subsection (d) of such section 501.

"(II) If, at the end of the period referred to in paragraph (1) of such subsection (d), no notice of intent to use the buildings or other property, or any portion thereof, to assist the homeless is received by the Secretary of Health and Human Services under paragraph (2) of such subsection, the Secretary of Defense may make such buildings or other property, or portion thereof, available to the local redevelopment authority, if any, that has submitted a reutilization or redevelopment plan with respect to such installation for use of such buildings or other property, or portion, thereof, in accordance with such plan.".

(b) APPLICABILITY.—The Secretary of Defense shall carry out the requirements of section 2905(b)(3)(B) of such Act, as amended by subsection (a), with respect to installations whose date of approval of closure is more than 90 days before the date of the enactment of this Act, and which are not closed on such date, not later than 30 days after such date.

SEC. 2909. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for a military installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of that the installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the reutilization and redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the reutilization and redevelopment plan for the installation;

(5) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the reutilization and redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to requirements for, or the transfer of property at, the installation under section 2905(b)(2)(H) 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), as added by section 2907;

(7) assist a local economic redevelopment authority concerned with reuse of the installation in identifying real or personal property located at the installation that may have significant potential for reuse in accordance with the reutilization and redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of

assistance under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying leases of property located at the installation that are consistent with the reutilization and redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real or personal property located at the installation that may be utilized to meet the needs of the homeless by consulting with the Interagency Council on the Homeless or the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2910. COORDINATION OF ACTIVITIES OF OTHER FEDERAL DEPARTMENTS AND AGENCIES RELATING TO INSTALLATIONS TO BE CLOSED.

Not later than 30 days after the date of the enactment of this Act, the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization of such an installation, shall designate for each such installation an individual in such department or agency who shall provide information and assistance to the transition coordinator for such installation designated under section 2907 on the assistance, programs, or other activities of such department or agency with respect to the closure or redevelopment of such installation.

SEC. 2911. COMMUNITY RESPONSE BOARD.

(a) REQUIREMENT.—The Secretary of Defense shall establish a community response board with respect to the closure of military installations under base closure laws. The community response board shall have the responsibilities set forth in subsection (c).

(b) COMPOSITION; CHAIRMAN.—(1) The community response board shall be composed of the following members:

(A) The Secretary of each military department concerned or a representative or representatives of such military department who has an expertise in environmental matters or property disposal matters and who shall be appointed by that Secretary.

(B) One representative of the Department of Defense having an expertise in environmental matters, to be appointed by the Secretary of Defense.

(C) One representative of the Department of Defense having an expertise in the disposal of property, to be appointed by the Secretary of Defense.

(D) One representative of the Office of Economic Adjustment of the Department of Defense, to be appointed by the Secretary of Defense.

(E) On representative of the Department of Labor, to be appointed by the Secretary of Labor.

(F) One representative of the Environmental Protection Agency, to be appointed by the Administrator of the Environmental Protection Agency.

(G) One representative of the General Services Administration, to be appointed by the Administrator of General Services.

(H) One representative of the National Economic Council, to be appointed by the Director of the National Economic Council.

(I) The Executive Director of the Interagency Council on the Homeless pursuant to section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

(J) One representative of the Department of Housing and Urban Development, to be appointed by the Secretary of Housing and Urban Development.

(K) Such other representatives as the Secretary of Defense, in consultation with the Director of the National Economic Council, determines appropriate.

(2) The Secretary of a military department may serve as a representative of such department under paragraph (1)(A).

(3) The Secretary of Defense, in consultation with the Director of the National Economic Council, shall designate the chairman of the board.

(c) RESPONSIBILITIES.—(1) The community response board shall—

(A) receive comments from appropriate representatives of the redevelopment authorities, if any, established with respect to installations to be closed or realigned under a base closure law on the progress, if any, made by such authorities toward the reutilization or redevelopment of such installations, and any impediments to such progress;

(B) to the maximum extent practicable, propose and develop solutions to such impediments; and

(C) submit a report to the President on such comments and solutions.

(2) In proposing and developing solutions to impediments to the reutilization or redevelopment under paragraph (1)(B), each member of the board shall, to the maximum extent practicable, solicit comments and proposals on such solutions from the Federal department or agency of which such member is a representative and utilize the resources and expertise of the Federal department or agency of which such member is a representative.

(3)(A) The community response board shall receive comments under paragraph (1)(A) by public hearing and by any other means determined appropriate by the board.

(B) The community response board shall offer to hold, and upon the approval of a redevelopment authority shall hold, not less than one such hearing each year with respect to each major installation approved for closure under a base closure law until that installation has been closed for more than 5 years. When holding a hearing with respect to an installation, the board shall ensure that the member or members of the board from the military department having jurisdiction over the installation is present.

(C) At each hearing with respect to an installation, the transition coordinator designated for such installation, or the designee of the coordinator, shall appear before the board with representatives of the redevelopment authority.

(D) The community response board shall meet at least three times each year to carry out the activities referred to in paragraph (1)(B).

(E) The community response board shall submit a report referred to in paragraph (1)(C) at least once each year.

(d) TERMINATION.—The authority of the community response board to carry out activities under this section shall terminate on December 31, 2006.

SEC. 2912. ASSISTANCE TO AFFECTED STATES AND COMMUNITIES THROUGH THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) IN GENERAL.—From the funds authorized to be appropriated to the Department of Defense for the activities of the Office of Economic Adjustment of the Department of Defense, the Secretary of Defense may make grants to not more than one redevelopment authority of each community adversely affected by the closure of a military installation, to redevelopment authorities of States so affected, and to communities so affected in order to assist such authorities and communities, as the case may be, in developing and implementing reutilization and redevelopment plans for property located at military installations closed under base closure laws.

(b) PROCESSING REQUIREMENT.—The Secretary shall determine whether to make a grant under this section to a redevelopment authority or community, as the case may be, not later than 7 days after receiving a complete application for a grant from such authority or community.

SEC. 2913. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall identify the real property located at each military installation selected in 1993 or 1995 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) pursuant to the provisions of section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)). The Secretary shall identify such real property at an installation not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date that is 18 months after the date of approval of closure of that installation.

SEC. 2914. SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall conduct seminars for communities in which a military installation to be closed or realigned under a base closure law is located. Such seminars shall be conducted within 6 months after the date of approval of closure of that installation, shall present the various Federal programs for the reutilization and redevelopment of installations to be closed under such law, and shall provide information about employment assistance, including employment assistance under Federal programs, available to members of such communities.

SEC. 2915. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

The Secretary of Defense shall, with respect to each military installation approved for closure or realignment under a base closure law—

(1) complete any environmental impact analyses required with respect to the installation pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than 12 months, to the extent possible, after the date of the submittal, if any, to the Secretary of the military department concerned of an acceptable (as determined by the Secretary) reutilization and redevelopment plan for the installation by the community (as determined by the Secretary); and

(2) ensure that the environmental impact statement addresses environmental matters arising out of such plan.

SEC. 2916. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization

Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) 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), as amended by section 2906(b) is further amended by adding at the end the following:

"(4) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

SEC. 2917. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2700) may by utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

SEC. 2918. DEFINITIONS.

(a) BASE CLOSURE COMMUNITIES ACT.—In this title:

(1) The term "base closure law" means the following:

(A) 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).

(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).

(2) The term "reutilization and redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the local redevelopment authority concerned or other entity recognized by the Secretary of Defense as the authority to direct the reutilization and redevelopment of the installation; and

(B) provides for the reuse of the real property and related personal property of the installation that is available as a result of the closure of the installation.

(3) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(b) BASE CLOSURE ACT 1990.—Section 2910 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 adding at the end the following new paragraph:

"(8) The term 'date of approval of closure', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.".

SEC. 2919. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) SECTION NOT TO TAKE EFFECT.—Section 2916 shall not take effect.

(b) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(c) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) 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 adding at the end the following:

"(4)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount $3,735,571,000, to be allocated as follows:

(1) For research and development, $1,152,325,000.

(2) For weapons testing, $375,000,000.

(3) For stockpile support, $1,792,280,000.

(4) For program direction, $277,466,000.

(5) For complex reconfiguration, $138,500,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plan projects, various locations, $16,500,000.

Project GPD-121, general plant projects, various locations, $7,700,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $11,110,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, $6,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93-D-123, complex-21, various locations, $25,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92-D-126, replace emergency notification systems, various locations, $10,500,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88-D-122, facilities capability assurance program, various locations, $27,100,000.

Project 88-D-123, security enhancement, Pantex Plant, Amarillo, Texas, $20,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $123,034,000.

(d) ADJUSTMENT FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $393,641,000.

SEC. 3102. NEW TRITIUM PRODUCTION AND PLUTONIUM DISPOSITION ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for expenses incurred in carrying out new tritium production activities and plutonium disposition activities necessary for national security programs in the amount of $83,000,000, offset by $43,000,000 in prior year funds.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,782,213,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,275,441,000.

(4) For technology development, $361,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) to carry out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD-171, general plant projects, various locations, $49,015,000.

Project 94-D-122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $700,000.

Project 94-D-400, high explosive wastewater treatment, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $600,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, $491,000.

Project 94-D-404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94-D-405, Central neutralization facility pipeline extension project, Oak Ridge K-25 Plant, Oak Ridge, Tennessee, $1,714,000.

Project 94-D-406, low-level waste disposal facility, Oak Ridge K-25 Plant, Oak Ridge, Tennessee, $6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94-D-408, 200 east office facility, Richland, Washington, $1,200,000.

Project 94-D-411, solid waste operations complex project, Richland, Washington, $7,100,000.

Project 94-D-412, 300 area process sewer piping system upgrade, Richland, Washington, $1,100,000.

Project 94-D-414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,100,000.

Project 94-D-416, Solvent Storage Tanks installation, Savannah River Site, South Carolina, $1,500,000.

Project 94-D-417, intermediate level and low activity waste vaults, Savannah River Site, South Carolina, $1,000,000.

Project 94-D-451, infrastructure replacement Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93-D-176, Oak Ridge reservation storage facility, K-25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-125 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $1,000,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, $6,000,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93-D-183, multi-function waste remediation facility, Richland, Washington, $25,660,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93-D-185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $13,230,000.

Project 93-D-188, new sanitary landfill, Savannah River, South Carolina, $1,020,000.

Project 92-D-125, master safeguards and security agreement/material surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92-D-173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, $7,000,000.

Project 92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92-D-403, tank upgrade project, Lawrence Livermore National Laboratory, California, $3,888,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $5,000,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $1,800,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $1,000,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, $23,974,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,000,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,769,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition, $24,726,000

(d) USE OF FUNDS.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $21,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(e) GENERAL REDUCTION IN OPERATING EXPENSES.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount specified in that subsection reduced by $40,000,000.

(f) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a), (b), and (c) reduced by $86,600,000. In determining the amount authorized to be appropriated pursuant to subsection (a) for the purposes of this

subsection, subsection (e) shall be taken into account.

SEC. 3104. MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs in the amount of $2,171,039,000, to be allocated as follows:

(1) For materials support, $853,966,000.

(2) For verification and control technology, $341,941,000.

(3) For nuclear safeguards and security, $86,246,000.

(4) For security investigations, $53,335,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD-146, general plant projects, various locations, $31,760,000.

Project 93-D-147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $7,720,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92-D-140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN-101, general plant projects, various locations, $7,500,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $2,800,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $7,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For material support, $75,209,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors development, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $393,132,000 for anticipated savings.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for payment to the Nuclear Waste Fund, $120,000,000.

SEC. 3106. FUNDING USES AND LIMITATIONS.

(a) NATIONAL SECURITY PROGRAMS.—Notwithstanding any other provision of law, not more than 90 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1994 required under section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1681; 42 U.S.C. 7271b).

(b) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

(c) FIRE PROTECTION AND COOLING OR REFRIGERATION SYSTEMS.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for the design, purchase, or installation of any fire protection system or cooling or refrigeration system that utilizes class I substances (as listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)) unless the Secretary of Energy determines that an alternative system meeting the operational requirements of the Department of Energy is not commercially available or is not cost-effective when analyzed under a life-cycle cost analysis.

(d) NEW TRITIUM PRODUCTION ACTIVITIES AND PLUTONIUM DISPOSITION ACTIVITIES.—Funds authorized to be appropriated for fiscal year 1994 or otherwise made available to the Secretary of Energy for such fiscal year for new tritium production activities and plutonium disposition activities shall be available only for the following purposes and in the following amounts:

(1) For evaluation of an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $40,000,000.

(2) For evaluation of accelerator technology to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $18,000,000.

(3) For evaluation of an advance liquid metal reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $25,000,000.

(e) EXPENDED CORE FACILITY DRY CELL.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, until shipment of spent naval nuclear fuel from United States naval surface ships and submarines to the Idaho Engineering Laboratory, Idaho, is resumed.

(f) NUCLEAR WEAPONS TESTING.—(1) Funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing and funds otherwise made available to the department for that fiscal year for that purpose shall be available only for the following purposes and in the following amounts:

(A) For infrastructure maintenance at the Nevada Test Site, $131,250,000.

(B) For maintaining the technical capability to resume testing at the Nevada Test Site, $109,375,000.

(C) For activities, including research and development, of Department of Energy laboratories in determining means of nuclear weapons testing as alternatives to underground nuclear weapons testing, $134,375,000.

(2) The Secretary of Energy may not obligate an aggregate amount in excess of $180,000,000 for the purposes described in subparagraphs (B) and (C) of paragraph (1) until the Secretary submits to the congressional defense committees a detailed plan for carrying out the activities described in subparagraphs (B) and (C) of that paragraph.

(3) Each year at the time of the President's submission of a a budget under section 1105 of title 31, United States Code, the President shall submit a report covering the most recently completed calendar year setting forth—

(A) Whether the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory have raised any concerns with regard to the safety, security, effectiveness, or reliability or existing United States nuclear weapons; and

(B) If such concerns have been raised, the President's evaluation of each concern and report on what actions are being or will be taken to address it.

(g) VERIFICATION CONTROL TECHNOLOGY.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and capital equipment for activities relating to verification and control technology, not more than $334,441,000 may be obligated until the Secretary of Defense submits the report required by section 1104.

(h) SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL AND WASTE MANAGEMENT.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $1,000,000 shall be available for the Scholarship and Fellowship Program for Environmental Restoration and Waste Management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 42 U.S.C. 7274e).

(i) HANFORD HEALTH INFORMATION NETWORK.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3101(a), $1,750,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834).

(j) PROTECTION OF NUCLEAR WEAPONS FACILITIES WORKERS.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $10,000,000 shall be available for activities relating to worker protection at nuclear weapons facilities.

(k) MERGER OF CERTAIN FUNDS WITH FUNDS APPROPRIATED FOR NEW PRODUCTION REACTORS.—Notwithstanding any other provision of law, of the funds made available to the Department of Energy for new production reactor activities before the date of the enactment of this Act, $43,000,000 shall be merged with the funds authorized to be appropriated for new tritium production and plutonium disposition under section 3102 and shall be available for the same purposes and the same period as the funds with which merged.

(l) TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT.—None of the funds appropriated to the Department of Energy for fiscal year 1994 pursuant to the authorization of appropriations in section 3103, or otherwise made available to the department for environmental restoration and waste management activities for such fiscal year, may be obligated to foster technology transfer to and economic development activities in the Southeastern United States until 30 days after the date on which the Secretary of Energy submits to the congressional defense committees a report containing a plan for the expenditure of funds in a manner that ensures an equitable expenditure of funds for such purposes throughout the Southeastern United States.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

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

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

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

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

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

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

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

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

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

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

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

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Federal Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

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

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

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

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

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

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

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

SEC. 3128. AVAILABILITY OF FUNDS.

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

Subtitle C—Other Matters

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST HANFORD PROJECT.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Hanford Consent Agreement and Compliance Order for Department of Energy Hanford.

SEC. 3132. OFFICE OF TRITIUM PRODUCTION AND PLUTONIUM DISPOSITION.

(a) ESTABLISHMENT.—There is hereby established in the Office of the Assistant Secretary of Energy for Defense Programs an Office of Tritium Production and Plutonium Disposition.

(b) RESPONSIBILITIES.—The responsibilities of the office shall include the following:

(1) Activities relating to the development, design, and construction (including research in support thereof) of a tritium production facility in order to ensure that a tritium production facility replacing existing tritium production facilities of the Department of Energy and capable of meeting the anticipated need of the Department of Defense for tritium is in operation no later than December 31, 2011.

(2) Carrying out the evaluation of an advanced light water reactor and a high temperature gas reactor referred to in section 3105(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2636).

(3) Activities relating to the design, development, and construction (including research in support thereof) of the reactors referred to in paragraph (2).

(4) Research and development activities relating to design, development, and construction by the Department of Energy of an advanced metal reactor that utilizes an actinide recycling process and that is capable of burning plutonium, producing tritium, and producing electricity.

(5) Research and development activities relating to the design, development, and construction by the Department of Energy of an accelerator technology that is capable of burning plutonium, producing tritium, and producing electricity.

(6) Activities relating to the design, development, and construction (including research in support thereof) of a facility to treat and dispose of excess plutonium.

SEC. 3133. AUTHORITY TO TRANSFER CERTAIN DEPARTMENT OF ENERGY PROPERTY.

(a) AUTHORITY TO TRANSFER.—(1) Notwithstanding any other provision of law, the Secretary of Energy may transfer, for consideration, all right, title, and interest of the United States in and to the property referred to in subsection (b) to any person if the Secretary determines that such transfer will mitigate the adverse economic consequences that might otherwise arise from the closure of a Department of Energy facility.

(2) The amount of consideration received by the United States for a transfer under paragraph (1) may be less than the fair market value of the property transferred if the Secretary determines that the receipt of such lesser amount by the United States is in accordance with the purpose of such transfer under this section.

(b) COVERED PROPERTY.—Property that may be transferred under subsection (a) is the following property of the Department of Energy that is located at department facilities to be closed:

(1) The personal property and fixtures at such facilities that the Secretary determines to be excess to the needs of the department.

(2) Any other personal property and fixtures at such facilities the replacement cost of which does not exceed an amount equal to 110 percent of the cost of transporting the property or fixtures to another department facility.

(c) OTHER TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to a transfer of property under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

SEC. 3134. REAUTHORIZATION AND EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1824) and section 3136 of National Defense Authorization for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2641), is further amended—

(1) in subparagraph (A)—

(A) by striking out "and" at the end of clause (i):

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to any community-based organization; and

"(iv) at Oak Ridge, Tennessee, to loan personnel in accordance with this section to any community-based organization."; and

(2) in subparagraph (B)—

(A) by striking out "and the Idaho" and inserting in lieu thereof ", the Idaho"; and

(B) by adding before the period at the end the following: ", the Savannah River Site, and Oak Ridge".

(b) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such Act is amended—

(1) by striking out "or the Idaho" and inserting in lieu thereof "the Idaho"; and

(2) by inserting "Savannah River Site, South Carolina, or Oak Ridge, Tennessee," before "to any community-based organization".

(c) DURATION OF PROGRAM.—Subsection (c) of such section is amended—

(1) by striking out "Reservation, and" and inserting in lieu thereof "Reservation,"; and

(2) by inserting after "Idaho National Engineering Laboratory" the following: ", and September 30, 1995, with respect to the Savannah River Site, and to Oak Ridge".

SEC. 3135. INCLUSION OF ANALYSIS OF NEVADA TEST SITE IN ENVIRONMENTAL ASSESSMENT OF RECONFIGURATION OF DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

In preparing an environmental impact statement in connection with a decision to reconfigure the functions, facilities, and personnel of the Department of Energy relating to research and development, production, and testing of nuclear materials and weapons, the Secretary of Energy shall include an analysis of the Nevada Test Site as a potential site for the location of some or all of such functions, facilities, and personnel.

SEC. 3136. DEPARTMENT OF ENERGY MANAGEMENT.

(a) UNDER SECRETARIES.—Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is amended—

(1) in subsection (a), by striking out "Under Secretary" and inserting in lieu thereof "Under Secretaries"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b) RATES OF PAY.—Section 5314 of title 5, United States Code, is amended by striking out the item relating to the Under Secretary, Department of Energy, and inserting in lieu thereof the following:

"Under Secretaries, Department of Energy (3).".

SEC. 3137. TRAINING PROGRAMS FOR MANAGEMENT OF HAZARDOUS MATERIALS AND OF HAZARDOUS MATERIALS EMERGENCY RESPONSE ACTIVITIES.

(a) AUTHORITY TO CARRY OUT PROGRAMS.—The Secretary of Energy may carry out the programs described in subsection (b) for persons who work with hazardous materials.

(b) NATURE OF PROGRAMS.—The programs referred to in subsection (a) are programs relating to management of hazardous materials and of hazardous materials emergency response that are designed to enhance the safety of the persons referred to in subsection (a) and to protect the environment.

(c) REGIONAL TRAINING CENTERS.—(1) The programs referred to in subsection (a) may be conducted at regional training centers to be operated under the supervision of the Secretary by qualified (as determined by the Secretary) not-for-profit organizations acting in cooperation with States, labor organizations, or Indian tribes.

(2) In consultation with appropriate representatives of colleges and universities and other organizations having appropriate technical expertise, the Secretary may develop—

(A) standards relating to the operation of centers under this subsection; and

(B) the curricula of the training programs carried out under subsection (a).

(d) AUTHORITY TO CONSTRUCT FACILITIES.—The Secretary may, in cooperation with the Chief of Engineers of the Army, construct such facilities as the Secretary determines necessary to carry out the training programs authorized under subsection (a), including regional training centers located at Department of Energy sites.

(e) DEFINITION.—In this section, the term "Indian tribe" has the meaning provided in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(f) FUNDING.—From funds authorized to be appropriated to the Secretary of Energy under this division, $20,000,000 may be used to carry out programs authorized in subsection (a).

SEC. 3138. REVIEW OF DEPARTMENT OF ENERGY ENVIRONMENTAL COMPLIANCE AGREEMENTS.

(a) REVIEW REQUIRED.—The Secretary of Energy shall review each agreement that the Department of Energy has entered into with the Environmental Protection Agency, a State, or an Indian tribe to bring a Department of Energy facility into compliance with the requirements of the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Water Pollution Control Act (42 U.S.C. 6901 et seq.), the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), or a comparable State or local government law or regulation.

(b) CONTENT OF REVIEW.—The review required by subsection (a) shall identify all required actions or milestones that—

(1) can be completed faster than the schedule provided in the agreement;

(2) are unnecessary because of—

(A) technological or programmatic changes; or

(B) changes in circumstances or assumptions;

(3) cannot be completed by the completion date scheduled in the agreement, but can be accomplished within a reasonable time after such date by the use of a more efficient or more cost-effective technology than the technology that has been used;

(4) cannot be completed by the completion date scheduled in the agreement because necessary technology will not be available in time to meet that schedule;

(5) cannot be completed by the completion date scheduled in the agreement because site characterization, site analysis, or another necessary information collection activity will not be completed in time to meet that schedule; or

(6) may endanger worker health and safety if carried out within the period provided in the agreement.

(c) CONSULTATION REQUIREMENT.—In conducting the review of an agreement pursuant

to subsection (a), the Secretary shall consult with all parties to the agreement and representatives of the community in which the Department of Energy facility covered by the agreement is located.

(d) REPORT TO CONGRESS.—The Secretary of Energy, at the same time that the President submits to Congress the budget for fiscal year 1996 pursuant to section 1105 of title 31, United States Code, shall submit to Congress a report setting forth the following matters:

(1) The results of the review conducted pursuant to subsection (a).

(2) Any alternatives to the milestones and commitments that the Secretary considers appropriate.

(3) An explanation of any alternative action or milestone that the Secretary considers necessary, and the reason such alternative is necessary.

(4) For each such alternative—

(A) the date on which the alternative was presented to the other parties to the agreement concerned;

(B) whether the alternative was accepted, rejected, or modified by any party to the agreement; and

(C) whether the agreement was modified to incorporate the alternative.

(e) EXISTING OBLIGATIONS.—(1) Notwithstanding any other provision of this section, nothing in this Act is intended to void or amend any obligation of the United States under any agreement referred to in subsection (a). In addition, this section is not intended to require any party to any agreement referred to in subsection (a) to renegotiate its agreement.

(2) The Secretary of Energy shall, 60 days prior to filing its report required in subsection (d), provide a copy of the proposed report and request comments from parties to agreements referred to in subsection (a). Any such comments received shall be printed as an appendix to the report to Congress.

SEC. 3139. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year period".

SEC. 3140. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

Subtitle D—Cooperative Research and Development

SEC. 3141. SHORT TITLE.

This subtitle may be cited as the "Department of Energy National Competitiveness Technology Partnership Act of 1993".

SEC. 3142. DEFINITIONS.

For purposes of this subtitle, the term—

(a) "Department" means the United States Department of Energy; and

(b) "Secretary" means the Secretary of the United States Department of Energy.

SEC. 3143. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

(a) The Department of Energy Organization Act is amended by adding the following new title (42 U.S.C. 7101 et seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—For purposes of this title, Congress finds that—

"(1) the Department has scientific and technical resources within the departmental laboratories in many areas of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investment in people, facilities and equipment in the departmental laboratories can contribute to the achievement of national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department has pursued aggressively the transfer of technology from departmental laboratories to the private sector; however, the capabilities of the laboratories could be made more fully accessible to United States industry and to other Federal agencies;

"(4) technology development has been increasingly driven by the commercial marketplace, and the private sector has research and development capabilities in a broad range of generic technologies;

"(5) the Department and the departmental laboratories would benefit, in carrying out their missions, from collaboration and partnership with United States industry and other Federal agencies; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the Nation as a whole, including creation of jobs for United States workers and improvement of the competitive position of the United States in key sectors of the economy such as aerospace, automotive, chemical and electronics.

"(b) PURPOSES.—The purposes of this title are—

"(1) to promote partnerships among the Department, the departmental laboratories and the private sector;

"(2) to establish a goal for the amount of departmental laboratory resources to be committed to partnerships;

"(3) to ensure that the Department and the departmental laboratories play an appropriate role, consistent with the core competencies of the laboratories, in implementing the President's critical technology strategies;

"(4) to provide additional authority to the Secretary to enter into partnerships with the private sector to carry out research, development, demonstration and commercial application activities;

"(5) to streamline the approval process for cooperative research and development agreements proposed by the departmental laboratories; and

"(6) to facilitate greater cooperation between the Department and other federal agencies as part of an integrated national effort to improve United States competitiveness.

"(c) DEFINITIONS.—For purposes of this title, the term—

"(1) 'cooperative research and development agreement' has the meaning given that term in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1));

"(2) 'core competency' means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(3) 'critical technology' means a technology identified in the Report of the National Critical Technologies Panel;

"(4) 'departmental laboratory' means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) or any other laboratory or facility designated by the Secretary;

"(5) 'disadvantaged' has the same meaning as that term has in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6));

"(6) 'dual-use technology' means a technology that has military and commercial applications;

"(7) 'educational institution' means a college, university, or elementary or secondary school, including any not-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) 'minority college or university' means a historically Black college or university that would be considered a 'part B institution' by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a 'minority institution' as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d–5(3));

"(9) 'multi-program departmental laboratory' means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(10) 'partnership' means any arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application or technical assistance activities in cooperation with one or more non-Federal partners and which may include partners from other Federal agencies;

"(11) 'Report of the National Critical Technologies Panel' means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(12) 'small business' means a business concern that meets the applicable standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 1102. GENERAL AUTHORITY.

"(a)(1) In carrying out the missions of the Department, the Secretary and the departmental laboratories may conduct research, development, demonstration or commercial application activities that build on the core competencies of the departmental laboratories.

"(2) In addition to missions established pursuant to other laws, the Secretary may assign to departmental laboratories any of the following missions:

"(A) National security, including the—

"(i) advancement of the military application of atomic energy;

"(ii) support of the production of atomic weapons, or atomic weapons parts, including special nuclear materials;

"(iii) support of naval nuclear propulsion programs;

"(iv) support for the dismantlement of atomic weapons and the safe storage, transportation and disposal of special nuclear materials;

"(v) development of technologies and techniques for the safe storage, processing, treatment, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs and of technologies and techniques for the reduction of environmental hazards and contamination due to such waste and the environmental restoration of sites affected by such waste;

"(vi) development of technologies and processes that facilitate the effective negotiation and verification of international arms control agreements and the containment of the proliferation of nuclear weapons and the proliferation of delivery systems for such weapons; and

"(vii) protection of health and promotion of safety in carrying out other national security missions.

"(B) Energy-related science and technology, including the—

"(i) enhancement of the understanding of all forms of energy production and use;

"(ii) support of basic and applied research on the fundamental nature of matter and energy, including construction and operation of unique scientific instruments;

"(iii) development of energy resources, including solar, geothermal, fossil, and nuclear energy resources, and related fuel cycles;

"(iv) pursuit of a comprehensive program of research and development on the environmental effects of energy technologies and programs;

"(v) development of technologies and processes to reduce the generation of waste or pollution or the consumption of energy or materials;

"(vi) development of technologies and techniques for the safe storage, processing, treatment, management, transportation and disposal of nuclear waste resulting from commercial nuclear activities; and

"(vii) improvement of the quality of education in science, mathematics, and engineering.

"(C) Technology transfer.

"(3)(A) In addition to the missions identified in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions—

"(i) support the technology policies of the President;

"(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities;

"(iii) are built upon the competencies developed in carrying out the primary missions identified in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

"(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties.

"(B) These supporting missions shall include activities in the following areas:

"(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

"(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes; and

"(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

"(4) In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, make use of partnerships. Such partnerships shall be for purposes of the following:

"(A) to lead to the development of technologies that the private sector can commercialize in areas of technology with broad application important to United States technological and economic competitiveness;

"(B) to provide Federal support in areas of technology where the cost or risk is too high for the private sector to support alone but that offer a potentially high payoff to the United States;

"(C) to contribute to the education and training of scientists and engineers;

"(D) to provide university and private researchers access to departmental laboratory facilities; or

"(E) to provide technical expertise to universities, industry or other Federal agencies.

"(b) The Secretary, in carrying out partnerships, may enter into agreements using instruments authorized under applicable laws, including but not limited to contracts, cooperative research and development agreements, work for other agreements, user-facility agreements, cooperative agreements, grants, personnel exchange agreements and patent and software licenses with any person, any agency or instrumentality of the United States, any State or local governmental entity, any educational institution, and any other entity, private sector or otherwise.

"(c) The Secretary and the directors of the departmental laboratories shall utilize partnerships with United States industry, to the maximum extent practicable, to ensure that technologies developed in pursuit of the Department's missions are applied and commercialized in a timely manner.

"(d) The Secretary shall work with other Federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the departmental laboratories could contribute to the missions of such other agencies.

"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN DEPARTMENTAL LABORATORIES AND UNITED STATES INDUSTRY.

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to make available for cost-shared partnerships with United States industry not less than 20 percent of the annual funds provided by the Secretary to each multi-program departmental laboratory for research, development, demonstration and commercial application activities.

"(b) Beginning in fiscal year 1994, the Secretary shall establish an appropriate goal for the amount of resources to be made available for cost-shared partnerships with United States industry at other departmental laboratories.

"SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.

"(a) The Secretary shall develop a multi-year critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for the critical technologies listed in the Report of the National Critical Technologies Panel.

"(b) In developing such strategy, the Secretary shall—

"(1) identify the core competencies of each departmental laboratory;

"(2) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, taking into consideration the core competencies of the departmental laboratories;

"(3) consult with appropriate representatives of United States industry, including members of industry associations and representatives of labor organizations; and

"(4) participate in the executive branch process to develop critical technology strategies.

"SEC. 1105. PARTNERSHIP PREFERENCES.

"(a) The Secretary shall ensure that the principal economic benefits of any partnership accrue to the United States economy.

"(b) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4)) if it were a cooperative research and development agreement shall be given preference under this title.

"(c) The Secretary shall issue guidelines, after consultation with the Laboratory Partnership Advisory Board established in section 1109, for application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4)) and application of subsection (a) of this section to partnerships.

"(d) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

"SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.

"(a) The Secretary, in consultation with the Laboratory Partnership Advisory Board established in section 1109, shall develop mechanisms for independent evaluation of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the progress of each partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under paragraph (1) to evaluate the accomplishments of each ongoing multi-year partnership and shall condition continued Federal participation in each partnership on demonstrated progress.

"SEC. 1107. ANNUAL REPORT.

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1109.

"(b) The Secretary shall submit the report under subsection (a) to the appropriate Committees of the Congress. No later than March 1, 1994, and no later than the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on ongoing partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director plans to carry out in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities by area of technology;

"(3) any plans for additional funds not described in paragraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) any partnership that involves a Federal contribution in excess of $500,000 the Secretary or the director of each departmental laboratory expects to enter into in the coming fiscal year;

"(5) the technologies that will be advanced by each partnership that involves a Federal contribution in excess of $500,000;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership, which has not been described previously in the report required by subsection (a), that involves a Federal contribution in excess of $500,000.

"SEC. 1108. PARTNERSHIP PAYMENTS.

"(a)(1) Partnership agreements entered into by the Secretary may require a person or other entity to make payments to the Department, or any other Federal agency, as a condition for receiving support under the agreement.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under paragraph (3). Amounts so credited shall be available, subject to appropriations, for partnerships.

"(3) There is hereby established in the United States Treasury an account to be known as the 'Department of Energy Partnership Fund'. Funds in such account shall be available to the Secretary for the support of partnerships.

"(b) The Secretary may advance funds under any partnership without regard to section 3324 of title 31 of the United States Code to—

"(1) small businesses;

"(2) not-for-profit organizations that would be exempt under section 501(a) of the Internal Revenue Code of 1986; or

"(3) State or local governmental entities.

"SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.

"(a)(1) The Secretary shall establish within the Department an advisory board to be known as the 'Laboratory Partnership Advisory Board', to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of persons who are qualified to provide the Secretary with advice on the implementation of this title. Members of the Board shall include representatives primarily from United States industry but shall also include representatives from—

"(A) small businesses;

"(B) private sector entities owned or controlled by disadvantaged persons;

"(C) educational institutions, including representatives from minority colleges or universities;

"(D) laboratories of other Federal agencies; and

"(E) professional and technical societies in the United States.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of persons from United States industry to—

"(1) evaluate new initiatives proposed by the departmental laboratory;

"(2) identify opportunities for partnerships with United States industry; and

"(3) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory from utilizing existing advisory boards to achieve the purposes of this section.

"SEC. 1110. FELLOWSHIP PROGRAM.

"The Secretary shall encourage scientists, engineers and technical staff from departmental laboratories to serve as visiting fellows in research and manufacturing facilities of industrial organizations, State and local governments, and educational institutions in the United States and foreign countries. The Secretary may establish a formal fellowship program for this purpose or may authorize such activities on a case-by-case basis. The Secretary shall also encourage scientists and engineers from United States industry to serve as visiting scientists and engineers in the departmental laboratories.

"SEC. 1111. COOPERATION WITH STATE AND LOCAL PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.

"The Secretary and the director of each departmental laboratory shall seek opportunities to coordinate their activities with programs of State and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the United States Code and programs funded in part by the Secretary of Commerce pursuant to sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and 278l) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 278l note).

"SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense programs, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for atomic energy defense activities shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(c) Funds authorized to be appropriated to the Secretary and made available for departmental laboratory-directed research and development shall be available for any partnership.

"SEC. 1113. PROTECTION OF INFORMATION.

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

"SEC. 1114. FAIRNESS OF OPPORTUNITY.

"(a) The Secretary and the director of each departmental laboratory shall institute procedures to ensure that information on laboratory capabilities and arrangements for participating in partnerships with the Secretary or the departmental laboratories is publicly disseminated.

"(b) Prior to entering into any partnership having a Federal contribution in excess of $5,000,000, the Secretary or director of a departmental laboratory shall ensure that the opportunity to participate in such partnership has been publicly announced to potential participants.

"(c) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of a United States industry consortium to pursue the partnership activity.

"SEC. 1115. PRODUCT LIABILITY.

"The Secretary, after consultation with the Laboratory Partnership Advisory Board established in section 1109, and the Attorney General shall enter into a memorandum of understanding establishing a consistent policy and standards regarding the liability of the United States, of the non-Federal entity operating a departmental laboratory and of any other party to a partnership for product liability claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership the policy and standards established in the memorandum of understanding.

"SEC. 1116. INTELLECTUAL PROPERTY.

"The Secretary shall, after consultation with the Laboratory Partnership Advisory Board established in section 1109, develop guidelines governing the application of intellectual property laws by the Secretary and by the director of each departmental laboratory in partnership arrangements.

"SEC. 1117. SMALL BUSINESS.

"(a) The Secretary shall develop simplified procedures and guidelines for partnerships involving small businesses to facilitate access to the resources and capabilities of the departmental laboratories.

"(b) Notwithstanding any other law, the Secretary may waive, in whole or in part, any cost-sharing requirement for a small business involved in a partnership if the Secretary determines that the cost-sharing requirement would impose an undue hardship on the small business and would prevent the formation of the partnership.

"(c) Notwithstanding section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), the Secretary may provide funds as part of a cooperative research and development agreement to a small business if the Secretary determines that the funds are necessary to prevent imposing an undue hardship on the

small business and necessary for the formation of the cooperative research and development agreement.

"SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.

"Within one year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the appropriate committees of the United States Senate and the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

"(a) describe ongoing education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

"(b) describe ongoing research, development demonstration or commercial application activities involving the Department or the departmental laboratories and minority colleges and universities;

"(c) describe funding levels for the programs and activities described in subsections (a) and (b);

"(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

"(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

"(f) address the need for and potential role of the Department or the departmental laboratories in providing to minority colleges and universities the following:

"(1) increased research opportunities for faculty and students;

"(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

"(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

"(g) address the need for and potential role of the Department or the departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

"(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

"SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAM.

"The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study. Scholarships awarded under this program shall be known as Secretary of Energy Scholarships.".

(b) CONFORMING AMENDMENT.—The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by adding at the end thereof the following items:

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"Sec. 1101. Finding, purposes, and definitions.
"Sec. 1102. General authority.
"Sec. 1103. Establishment of goal for partnerships between departmental laboratories and United States industry.
"Sec. 1104. Role of the Department in the development of critical technology strategies.
"Sec. 1105. Partnership preferences.
"Sec. 1106. Evaluation of partnership programs.
"Sec. 1107. Annual report.
"Sec. 1108. Partnership payments.
"Sec. 1109. Laboratory partnership advisory board and industrial advisory groups at multi-program departmental laboratories.
"Sec. 1110. Fellowship program.
"Sec. 1111. Cooperation with State and local programs for technology development and dissemination.
"Sec. 1112. Availability of funds for partnerships.
"Sec. 1113. Protection of information.
"Sec. 1114. Fairness of opportunity.
"Sec. 1115. Product liability.
"Sec. 1116. Intellectual property.
"Sec. 1117. Small business.
"Sec. 1118. Minority college and university report.
"Sec. 1119. Minority college and university scholarship program.".

SEC. 3144. NATIONAL ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.

The Secretary is encouraged to use partnerships to expedite the private sector deployment of advanced manufacturing technologies as required by section 2202(a) of the Energy Policy Act of 1992 (42 U.S.C. 13502).

SEC. 3145. NOT-FOR-PROFIT ORGANIZATIONS.

The Secretary shall encourage the establishment of not-for-profit organizations, such as the Center for Applied Development of Environmental Technology (CADET), that will facilitate the transfer of technologies from the departmental laboratories to the private sector.

SEC. 3146. CAREER PATH PROGRAM.

(a) The Secretary, utilizing authority under other applicable law and the authority of this section, shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

(b) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by a person employed at a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(B) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

(c) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by inserting the following new subsection:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraphs (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): *Provided*, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

SEC. 3147. AVLIS COMMERCIALIZATION.

(a) PREDEPLOYMENT CONTRACTOR.—Not later than ninety days after the date of enactment of this Act, the Secretary shall solicit proposals for a commercial predeployment contractor to conduct such activities as may be necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology. Such activities shall include—

(1) developing a transition plan for transferring the AVLIS program from research, development, and demonstration activities at the Lawrence Livermore National Laboratory to deployment of a commercial AVLIS production plant;

(2) confirming the technical performance of AVLIS technology;

(3) developing the economic and industrial assessments necessary for the Secretary or his successor to make a commercial decision whether to deploy AVLIS;

(4) providing an industrial perspective for the planning and execution of remaining demonstration program activities; and

(5) completing feasibility and risk studies necessary for a commercial decision whether to deploy AVLIS, including financing options.

(b) ADDITIONAL ACTIVITIES.—Based upon the results of subsection (a), the Secretary may solicit additional proposals to complete the following activities:

(1) site selection, site characterization, and environmental documentation activities for a commercial AVLIS plant;

(2) engineering design of a production plant, developing a project schedule, and initiating operations planning;

(3) activities leading to obtaining necessary licenses from the Nuclear Regulatory Commission; and

(4) ensuring the successful integration of AVLIS technology into the commercial nuclear fuel cycle.

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to

the Speaker of the House of Representatives a written report on the progress made toward the deployment of a commercial AVLIS production plant ninety days after the date of enactment of this Act and each ninety days thereafter.

SEC. 3148. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

(a) Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) by deleting subparagraph (C)(i) and inserting in lieu thereof the following:

"(C)(i) Any agency that has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement and cooperative research and development agreement that is submitted by the director of such laboratory within thirty days after such submission. In any case where an agency has requested specific modifications to a joint work statement or cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such joint work statement or cooperative research and development agreement within fifteen days after such resubmission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the cooperative research and development agreement and a joint work statement.";

(2) by adding in subparagraph (C)(ii) the words, "or cooperative research and development agreement" after "joint work statement";

(3) by deleting subparagraph (C)(iv);

(4) by deleting subparagraph (C)(v) and inserting in lieu thereof:

"(C)(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within ten days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continued failure."; and

(5) by deleting subparagraph (C)(vi).

(b) Section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) is amended—

(1) in subparagraph (B) by striking "substantial" before "purpose"; and

(2) in subparagraph (C) by striking "the primary purpose" and inserting in lieu thereof "one of the purposes".

SEC. 3149. GUIDELINES.

The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines, policies or standards required by sections 1105, 1115 and 1116 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act.

SEC. 3150. AUTHORIZATION.

(a) In addition to funds made available for partnerships under section 1112 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and $220,000,000 for fiscal year 1997.

(b) There is authorized to be appropriated to the Secretary for the Minority College and University Scholarship Program established in section 1119 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act in areas other than atomic energy defense activities $1,000,000 for fiscal year 1994, $2,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.

(c) There is authorized to be appropriated to the Secretary for research or educational programs, in areas other than atomic energy defense activities, carried out through partnerships or otherwise, and for related facilities and equipment that involve minority colleges or universities such sums as may be necessary.

TITLE XXXII—NUCLEAR SAFETY

SEC. 3201. AUTHORIZATION FOR DEFENSE NUCLEAR SAFETY BOARD.

There are authorized to be appropriated for fiscal year 1994, $18,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CONGRESS OF CERTAIN INFORMATION PREPARED BY DEFENSE NUCLEAR SAFETY BOARD.

(a) REQUIREMENT.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) by redesignating section 320 as section 321; and

(2) by inserting after section 319 the following new section 320:

"SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO CONGRESS.

"Whenever the Board submits or transmits to the President or the Director of the Office of Management and Budget any budget estimate, budget request, supplemental budget request, or other budget information, any legislative recommendation, or any statement or information in preparation of a report to be submitted to Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to Congress.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by striking out the item relating to section 320 and inserting in lieu thereof the following:

"Sec. 320. Transmittal of certain information to Congress.

"Sec. 321. Annual authorization of appropriations.".

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorizations of Disposals and Use of Funds

SEC. 3301. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

AUTHORIZED STOCKPILE DISPOSALS

Material for disposal	Quantity
Aluminum	62,843 short tons
Analgesics	53,525 pounds of anhydrous morphine alkaloid
Antimony	32,140 short tons
Diamond Dies, Small	25,473 pieces

AUTHORIZED STOCKPILE DISPOSALS—Continued

Material for disposal	Quantity
Manganese, Electrolytic	14,172 short tons
Mica, Muscovite Block, Stained and Better.	1,866,166 pounds
Mica, Muscovite Film, 1st & 2d quality.	158,440 pounds
Mica, Muscovite Splittings	12,540,382 pounds
Quinidine	2,471,287 avoirdupois ounces
Quinidine, Non-Stockpile Grade	1,691 avoirdupois ounces
Quinine	2,770,091 avoirdupois ounces
Quinine, Non-Stockpile Grade	475,950 avoirdupois ounces
Rare Earths	504 short dry tons
Vanadium Pentoxide	718 short tons of contained vanadium

(b) CONDITIONS ON DISPOSAL.—The authority of the President under subsection (a) to dispose of materials stored in the stockpile may not be used unless and until the Secretary of Defense certifies that the disposal of such materials will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5(b)).

SEC. 3302. REVISION OF AUTHORITY TO DISPOSE OF CERTAIN MATERIALS AUTHORIZED FOR DISPOSAL IN FISCAL YEAR 1993.

(a) CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade under the authority of section 3302(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2649; 50 U.S.C. 98d note) may be made only for processing within the United States and the territories and possessions of the United States.

(b) CHROMIUM AND MANGANESE FERRO.—Section 3302(f) of such Act (106 Stat. 2651; 50 U.S.C. 98d note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1994".

SEC. 3303. AUTHORIZED USES OF STOCKPILE FUNDS.

During fiscal year 1994, the National Defense Stockpile Manager may obligate up to $67,300,000 of the funds in the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

Subtitle B—Programmatic Changes

SEC. 3311. STOCKPILING PRINCIPLES.

Section 2(c)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)(2)) is amended to read as follows:

"(2) The quantities of materials stockpiled under this Act should be sufficient to meet the needs of the United States during a period of a national emergency that would necessitate an expansion of the Armed Forces together with a significant mobilization of the economy of the United States under planning guidance issued by the Secretary of Defense.".

SEC. 3312. PERIOD OF LIMITATION FOR CHANGING ANNUAL MATERIALS PLAN.

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) in subparagraph (A), as so designated, by striking out the last sentence and inserting in lieu thereof the following: "The President shall submit such statement on a day when both Houses of Congress are in session."; and

(3) by adding at the end the following:

"(B) In the event of a war declared by Congress or a national emergency declared by the President or Congress, the President may carry out any change under subparagraph (A) (including any obligation or expenditure relating to such change) before the expiration of the 30-day period referred to in such subparagraph.".

SEC. 3313. ROTATION OF MATERIALS TO PREVENT TECHNOLOGICAL OBSOLESCENCE.

Section 6(a)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(4)) is amended by inserting "or technological obsolescence" after "deterioration".

SEC. 3314. USES OF THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) ADDITIONAL USES.—Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraphs:

"(J) Pay of employees of the National Defense Stockpile program.

"(K) Other expenses of the National Defense Stockpile program.".

(b) CONFORMING AMENDMENT.—Section 9 of such Act is amended by striking out paragraph (4).

SEC. 3315. NATIONAL EMERGENCY PLANNING ASSUMPTIONS FOR BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.

Section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(b)) is amended in the first sentence by striking out ", based upon" and all that follows through "three years." and inserting in lieu thereof a period and the following: "Such assumptions shall be based on an assumed national emergency involving military conflict that necessitates an expansion of the Armed Forces together with a significant mobilization of the economy of the United States.".

SEC. 3316. REPEAL OF ADVISORY COMMITTEE REQUIREMENT.

Section 3306 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2652; 50 U.S.C. 98h-1 note) is repealed.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $152,900,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1994".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1994.

(b) LIMITATIONS.—Expenditures under subsection (a) for administrative expenses may not exceed $51,742,000, of which not more than—

(1) $11,000 may be expended for official reception and representation expenses of the Panama Canal Commission Board of Directors;

(2) $5,000 may be expended for official reception and representation expenses of the Panama Canal Commission Secretary; and

(3) $30,000 may be expended for official reception and representation expenses of the Panama Canal Administrator.

(c) REPLACEMENT VEHICLES.—Available funds may be used, under the authority of subsection (a), for the purchase of not more than 35 passenger motor vehicles (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama). A vehicle may be purchased under the authority of the preceding sentence only as necessary to replace a passenger motor vehicle of the Commission that is disposed of by the Commission. The purchase price of each vehicle may not exceed $18,000.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3504. EMPLOYMENT OF COMMISSION EMPLOYEES BY THE GOVERNMENT OF PANAMA.

(a) CONSENT OF CONGRESS.—Subject to subsection (b), the Congress consents to employees of the Panama Canal Commission who are not citizens of the United States accepting civil employment with agencies and organizations affiliated with the Government of Panama (and compensation for that employment) for which the consent of Congress is required by the 8th clause of section 9 of article I of the Constitution of the United States, relating to acceptance of emolument, office, or title from a foreign State.

(b) CONDITION.—Employees described in subsection (a) may accept employment described in that subsection (and compensation for that employment) only if the employment is approved by the designated agency ethics official of the Panama Canal Commission designated pursuant to the Ethics in Government Act of 1978, and by the Administrator of the Panama Canal Commission.

SEC. 3505. LABOR-MANAGEMENT RELATIONS.

Section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)) is amended—

(1) in paragraph (1), by striking out "and" after the semicolon;

(2) in paragraph (2), by striking out "supervisors." and inserting in lieu thereof "supervisors; and"; and

(3) by adding at the end the following:

"(3) any negotiated grievance procedures under section 7121 of such title 5, including any provisions relating to binding arbitration, shall, with respect to any personnel action to which subchapter II of chapter 75 of such title applies (as determined under section 7512 of such title), be available, in accordance with their terms, to the same extent and in the same manner as if employees of the Panama Canal Commission were not excluded from such subchapter under section 7511(b)(8) of such title.".

SEC. 3506. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on October 1, 1993.

(b) SPECIAL RULE.—Paragraph (3) of section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)), as added by section 3505(3), shall take effect on the date of the enactment of this Act and shall apply with respect to grievances arising on or after such date.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The text of an original bill (S. 1337) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as passed by the Senate on September 14, 1993, is as follows:

S. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Modified M113 carriers and AGT-1500 turbine engines.
Sec. 112. Nuclear, biological, and chemical protective masks.
Sec. 113. Chemical agent monitoring program.
Sec. 114. Close tactical trainer quickstart program.

Subtitle C—Air Force Programs

Sec. 121. Modernization of the heavy bomber force.
Sec. 122. B-2 bomber aircraft program.
Sec. 123. Access by Comptroller General to information on heavy bomber programs.
Sec. 124. C-17 aircraft program.
Sec. 125. Joint primary aircraft training system.
Sec. 126. Solid rocket motor upgrade program.
Sec. 127. Live-fire survivability testing of the C-17 aircraft.

Subtitle D—Other Programs

Sec. 131. ALQ-135 jammer device.
Sec. 132. Funding for certain tactical intelligence programs.
Sec. 133. Global Positioning System.
Sec. 134. Sense of Congress on expediting sealift procurement.
Sec. 135. Permanent authority to carry out AWACS memoranda of understanding.
Sec. 136. Ring laser gyro navigation systems.
Sec. 137. Operational support aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Strategic Environmental Research and Development Program.
Sec. 204. Funding for defense conversion and reinvestment research and development programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Kinetic Energy Antisatellite Program.
Sec. 212. Javelin missile program.
Sec. 213. Plan for testing new electronic countermeasures system for B-1B bombers.
Sec. 214. Space launch plan.
Sec. 215. Medical countermeasures against biowarfare threats.
Sec. 216. Baseline report for the Arrow tactical ballistic missile defense system.
Sec. 217. Limitations regarding federally funded research and development centers.

Subtitle C—Missile Defense Programs

Sec. 221. Revision of the Missile Defense Act of 1991.
Sec. 222. Funding of certain ballistic missile defense programs.
Sec. 223. Requirement for review of ballistic missile defense systems and components for compliance with ABM Treaty.
Sec. 224. Theater missile defense master plan.
Sec. 225. Extension of authority for transfer of responsibility for far-term follow-on technologies.
Sec. 226. Report on acquisition streamlining to accelerate deployment of initial ABM system.
Sec. 227. Funding for ballistic missile defense programs.
Sec. 228. Testing of national missile defense program projects.

Subtitle D—Other Matters

Sec. 231. Nuclear testing.
Sec. 232. One-year delay in transfer of management responsibility for naval mine countermeasures program to the Director, Defense Research and Engineering.
Sec. 233. Termination, reestablishment, and reconstitution of an advisory council on semiconductor technology.
Sec. 234. Authority to acquire Navy large cavitation channel, Memphis, Tennessee.
Sec. 235. Strategic Environmental Research Council.
Sec. 236. Sense of the Senate on metalcasting industry.
Sec. 237. Interim reconnaissance program.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

Sec. 241. Short title.
Sec. 242. Sense of Congress.
Sec. 243. Joint Committee for Review of Nonproliferation Programs of the United States.
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Subtitle A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,249,539,000.

(2) For missiles, $1,083,810,000.

(3) For weapons and tracked combat vehicles, $1,009,679,000.

(4) For ammunition, $621,049,000.

(5) For other procurement, $2,864,575,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $5,755,166,000.

(2) For weapons, $3,000,614,000.

(3) For shipbuilding and conversion, $4,264,647,000.

(4) For other procurement, $2,820,931,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $480,521,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

(1) For aircraft, $4,041,664,000.

(2) For missiles, $4,245,404,000.

(3) For other procurement, $7,610,888,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Agencies in the amount of $2,044,971,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Inspector General of the Department of Defense in the amount of $600,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $85,000,000.

(2) For the Air National Guard, $285,000,000.

(3) For the Army Reserve, $65,000,000.

(4) For the Naval Reserve, $55,000,000.

(5) For the Air Force Reserve, $50,000,000.

(6) For the Marine Corps Reserve, $20,000,000.

(7) For reserve component simulation equipment, $75,000,000.

(8) For National Guard aircraft replacement and modernization, $150,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1994, $442,947,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

Subtitle B—Army Programs

SEC. 111. MODIFIED M113 CARRIERS AND AGT-1500 TURBINE ENGINES.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated in section 101, funds are authorized to be appropriated for the Army for procurement of modified M113 carriers and AGT-1500 turbine engines in the amount of $148,000,000.

(b) LIMITATION.—None of the funds appropriated pursuant to the authorization in subsection (a) may be obligated during fiscal year 1994.

SEC. 112. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTECTIVE MASKS.

Of the unobligated balance of the funds appropriated for the Army for fiscal year 1993 for other procurement, $9,300,000 shall be available, to the extent provided in appropriations Acts, for procurement of M40/M42 nuclear, biological, and chemical protective masks.

SEC. 113. CHEMICAL AGENT MONITORING PROGRAM.

Funds appropriated for the Army for fiscal year 1993 for other procurement may not be obligated after the date of the enactment of this Act for the Improved Chemical Agent Monitor (ICAM) program.

SEC. 114. CLOSE TACTICAL TRAINER QUICKSTART PROGRAM.

Authority to reprogram funds for the Close Combat Tactical Trainer Quickstart Program. Subject to existing reprogramming procedures, the Secretary of the Army is authorized to reprogram funds in fiscal year 1994 to procure long lead component hardware items to accelerate the Close Combat Tactical Trainer Quickstart Program.

Subtitle C—Air Force Programs

SEC. 121. MODERNIZATION OF THE HEAVY BOMBER FORCE.

(a) FUNDING.—Of the amount authorized to be appropriated under section 103—

(1) not more than $37,400,000 shall be available for procurement of B-52 bomber aircraft; and

(2) not more than $177,355,000 shall be available for the B-1B bomber aircraft program.

(b) LIMITATIONS ON FUNDING.—Of the total amount made available pursuant to subsection (a) for the programs referred to in such subsection—

(1) none of such amount may be obligated or expended until all of the requirements set forth in section 152 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2340) have been met; and

(2) not more than 50 percent of such amount may be expended before the commencement of flight testing in accordance with the test plan required by section 152(a) of such Act.

SEC. 122. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Subject to subsection (b), of the amount appropriated to the Air Force pursuant to section 103(1) for fiscal year 1994 for procurement of aircraft, not more than $626,200,000 may be obligated for the B-2 bomber aircraft program.

(b) LIMITATIONS ON OBLIGATION.—(1) None of the funds made available for fiscal year 1994 for the B-2 bomber aircraft program may be obligated until the Secretary of Defense has submitted to the congressional defense committees the certifications and reports described in section 151(d)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2339).

(2) Of the unobligated balances of funds authorized to be appropriated for procurement of B-2 aircraft for fiscal years 1992, 1993, and 1994, none of such funds may be obligated until—

(A) the Secretary of the Air Force—

(i) has entered into a definitized production contract with the prime contractor for air vehicles 17 through 21; or

(ii) has submitted to the congressional defense committees a report setting forth the reasons that a definitized contract cannot be entered into; and

(B) the Secretary of Defense has submitted to such committees a certification that the Department of the Air Force is in full compliance with the B-2 correction-of-deficiency requirements set forth in section 117(d) of Public Law 101-189 (103 Stat. 1376) in all aspects of deficiency correction.

(c) TOTAL PROGRAM LIMITATIONS.—(1) Notwithstanding any other provision of law, funds available for the Department of Defense pursuant to authorizations of appropriations in this or any other Act may not be

expended for acquisition of more than 20 fully operational B-2 bomber aircraft that meet the Block 30 requirements (as defined by the Secretary of the Air Force as of August 1, 1993), plus one test aircraft.

(2) The total amount obligated on or after the date of the enactment of this Act for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the 20 B-2 bomber aircraft (and the one test aircraft) referred to in paragraph (1) and for paying the costs associated with termination of the B-2 bomber aircraft program upon completion of the acquisition of such 20 aircraft (and the one test aircraft) may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(3) The Congress declares that it will consider enacting legislation to increase the amount of the limitation specified in paragraph (2) if—

(A) for any fiscal year beginning after September 30, 1994, the Secretary of Defense has requested funds for the B-2 bomber aircraft program in the documents submitted to Congress by the Secretary in connection with the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, for that fiscal year;

(B) obligation of the total amount of the funds so requested would not have violated the limitation; and

(C) the requested funds—

(i) have not been made available for such fiscal year as requested; or

(ii) have been made available for such fiscal year but have not been obligated in such fiscal year by reason of any limitation or restriction on the obligation of such funds that is contained in an Act enacted after the date of the enactment of this Act.

SEC. 123. ACCESS BY COMPTROLLER GENERAL TO INFORMATION ON HEAVY BOMBER PROGRAMS.

The Secretary of Defense shall take all actions that are necessary to ensure that the Comptroller General of the United States and employees of the General Accounting Office designated by the Comptroller General have full, free, and prompt access to data, reports, and analyses generated by or on behalf of the Department of the Air Force (including by Air Force contractors) that relate to operation, maintenance, repair, and modernization of heavy bombers, and the plans of the Air Force for operation, maintenance, repair, and modernization of heavy bombers in the future.

SEC. 124. C-17 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of C-17 aircraft until—

(1) all limitations and requirements set forth in subsections (b), (c), (d), (f), and (g) of section 134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2335) are satisfied; and

(2) the Secretary of Defense submits to the congressional defense committees a report on the C-17 acquisition program that contains—

(A) the results of the special Defense Acquisition Board review of the program;

(B) a discussion of the corrective actions to be taken by the Air Force with regard to such program;

(C) a discussion of the corrective actions to be taken by the contractor with regard to such program; and

(D) the findings and recommendations of the special Defense Science Board group resulting from the investigation of the program by that group.

(b) FISCAL YEAR 1995 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1995 that are made available for the C-17 aircraft program (other than funds for advance procurement) may be obligated before the Secretary of Defense submits to the congressional defense committees a report containing a review of the airlift requirements of the Armed Forces. The review shall—

(1) be based on an analysis by a federally funded research and development center; and

(2) reflect consideration of—

(A) the changes in total airlift requirements resulting from the disintegration of the Warsaw Pact and Soviet Union that eliminate any major trans-Atlantic airlift requirement for Europe;

(B) the change in airlift requirements from requirements for airlift of large quantities of outsize cargo for reinforcement of the North Atlantic Treaty Organization (NATO) forces to requirements for airlift in connection with such lesser regional contingencies and humanitarian operations as Operation Desert Shield, Operation Desert Storm, and Operation Restore Hope;

(C) the potential contribution that planned strategic sealift improvements can make toward—

(i) reducing the total demand for airlift; and

(ii) changing the type of cargo that airlift aircraft must carry;

(D) the declining demand for conducting airlift operations in austere airfield environments; and

(E) the trade-off between purchasing the type of additional capability that the C-17 aircraft can provide and purchasing and employing additional support equipment that would increase the cargo airlift capability of commercial cargo aircraft.

(c) LIMITATION ON ACQUISITION OF MORE THAN 5 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce more than 5 C-17 aircraft until the program meets the following milestones:

(1) Clearance of flight envelope with respect to altitude and speed.

(2) Takeoff of aircraft at a gross weight of 580,000 pounds and 160,000 pounds payload within a critical field length of 8500 feet at sea level and 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Backing aircraft up a two degree slope with a gross weight of 510,000 pounds.

(4) Unassisted 180 degree turn of aircraft on a paved runway of load classification group IV in less than 90 feet, using three maneuvers.

(5) Completion of static article ultimate load (150 percent of design limit load) test condition S.P. 5030 for wing up bending.

(6) Completion of electromagnetic radiation, electromagnetic compatibility, and lightening tests.

(7) Low velocity air drop of 5,000-pound, 8-foot length platform.

(8) Sequential air drop of multiple simulated paratroop dummies from both paratroop doors.

(9) A minimum unit equivalent assembly rate of 6.0 assemblies per year, as measured by the ratio of annualized standard hours earned to that required to assemble one aircraft from the beginning of assembly to the completion of assembly prior to movement to the ramp at the prime contractor's facilities.

(10) For all aircraft scheduled for delivery in the prior 6-month period, delivery of each aircraft within one month of scheduled delivery date.

(d) LIMITATION ON ACQUISITION OF MORE THAN 8 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce more than 8 aircraft until the program meets the following additional milestones:

(1) Clearance of flight envelope with respect to loads.

(2) Estimate of payload meets 95 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(3) Operational clearance for aircraft to be air refueled from operational KC-10 and KC-135 aircraft at standard Air Force refueling speeds for the specific tanker in a single receiver formation.

(4) Demonstration of combat offload with two 463L pallets using the air delivery system rails.

(5) Airdrop of 70 paratroopers on one pass, using both paratroop doors.

(6) Low velocity air drop of 30,000-pound, 24-foot length platform.

(e) LIMITATION ON ACQUISITION OF MORE THAN 10 AIRCRAFT.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may not be obligated to produce 11 or 12 aircraft until the program meets the following additional milestones:

(1) Estimate of payload meets 97.5 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(2) Landing of aircraft with a payload of 160,000 pounds and fuel necessary to fly 300 nautical miles on a 3,000-foot long, 90-foot wide, and load classification group IV runway at sea level, 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Low altitude parachute extraction system delivery of a 20,000-pound cargo.

(4) Simultaneous and sequential container delivery system airdrop of 30 bundles.

(5) Low velocity air drop of 42,000-pound platform.

(6) Satisfactory completion of one lifetime of testing of durability article.

(7) Air vehicle mean time between removal at cumulative flying hours to date of measurement indicates that the mature requirement established in the full-scale development contract will be met.

(f) FUNDING OUT OF NATIONAL DEFENSE STRATEGIC LIFT FUND.—Funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of the C-17 aircraft only in accordance with section 2218 of title 10, United States Code.

SEC. 125. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM.

No funds appropriated for the Department of Defense pursuant to an authorization contained in this Act or any Act enacted after the date of the enactment of this Act may be obligated or expended to procure Joint Primary Aircraft Training System aircraft until the Secretary of Defense certifies to the congressional defense committees that the cockpit and ejection seat of such aircraft have been designed for safe and effective operation of the aircraft and ejection system

by at least 95 percent of the male pilot trainees and 95 percent of the female pilot trainees.

SEC. 126. SOLID ROCKET MOTOR UPGRADE PROGRAM.

(a) PROHIBITION ON USE OF FUNDS.—Funds appropriated to the Department of Defense may be used for implementing a supplemental agreement described in section 9164 of Public Law 102-396 only under the authorities in subsection (b).

(b) ACTIONS AUTHORIZED.—The Secretary of Defense may—

(1) restructure the provisions of contract F04701-85-C-0019 (hereafter in this subsection referred to as the "prime contract") and enter into an agreement to reimburse the subcontractor for the Solid Rocket Motor Upgrade (SRMU) subcontract under such prime contract (hereafter in this subsection referred to as the "SRMU subcontractor") for the costs incurred by the subcontractor for development and tooling related to the subcontract;

(2) reimburse the SRMU subcontractor for working capital expenses related to the subcontract only after consultation with the Comptroller General of the United States regarding whether such expenses are allowable under applicable laws;

(3) settle claims arising from disputes between the SRMU subcontractor and prime contractor;

(4) transfer funds to reimburse the subcontractor in accordance with paragraphs (1), (2) and (3);

(5) if the Secretary enters into an agreement to pay the SRMU subcontractor in accordance with paragraphs (1), (2) and (3), take such actions as are necessary to ensure that competitive procedures are used for awarding contracts in any future procurements of solid rocket motors for the Titan IV launch system;

(6) take such actions as are necessary to reduce or eliminate concurrency in the Solid Rocket Motor Upgrade program;

(7) change the type of the subcontract used for the Solid Rocket Motor Upgrade production subcontract and adjust the ceiling price for the prime contract accordingly, but only with respect to the Solid Rocket Motor Upgrade production subcontract; and

(8) if the Secretary decides to reimburse the SRMU subcontractor for development costs, tooling, and claims resulting from the termination or modification of the subcontract, terminate the Solid Rocket Motor Upgrade production subcontract or modify such subcontract regarding the production quantities and production rates.

(c) RELATIONSHIP OF TRANSFER AUTHORITY TO OTHER TRANSFER AUTHORITY.—The authority provided in subsection (b)(4) is not in addition to any other transfer authority provided in this or any other Act.

SEC. 127. LIVE-FIRE SURVIVABILITY TESTING OF THE C-17 AIRCRAFT.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking out "for fiscal year 1993".

Subtitle D—Other Programs

SEC. 131. ALQ-135 JAMMER DEVICE.

Subsection 182(b)(2) of Public Law 101-510 is amended by striking out "meets or exceeds all operational criteria established for the program" and inserting in lieu thereof "is operationally effective and suitable".

SEC. 132. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

Notwithstanding the limitation in section 141 of Public Law 102-484 (106 Stat. 2338), funds authorized to be appropriated under such section are authorized to be made available for the following purposes:

(1) To complete EP-3 Aries conversion-in-lieu-of-procurement for the remainder of the EP-3 Aries aircraft fleet.

(2) To upgrade communications of the EP-3 Aries aircraft fleet to permit dissemination of collected data.

(3) To complete standardization of the RC-135 Rivet Joint aircraft fleet to Block III Baseline 6 configuration.

SEC. 133. GLOBAL POSITIONING SYSTEM.

(a) PROGRAM STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study to be conducted on the management and funding of the Global Positioning System program for the future.

(2) With the agreement of the National Academy of Sciences and the National Academy of Public Administration, the study shall be conducted jointly by those organizations.

(3) Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 1994 and made available for procurement of Global Positioning System user equipment, for procurement of spacecraft, or for operations and maintenance, $5,000,000 may be used for carrying out the study required by paragraph (1).

(b) LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS EQUIPPED.—Funds may not be obligated after September 30, 2000, to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect fire weapon system that is not equipped with a Global Positioning System receiver.

(c) REPORTING REQUIREMENT.—Not later than May 1, 1994, the Secretary of Defense, in coordination with the Director of Central Intelligence, shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the following questions:

(1) What, if any, threats to the health and safety of United States military forces, allied military forces, and the United States and allied civilian populations, and what, if any, threats of damage to property within the United States and allied countries, will result by the year 2000 from Global Positioning System navigation signals, local and wide-area differential navigation correction signals, kinematic differential correction signals, and commercially available map products based on the Global Positioning System?

(2) What, if any, threat to civil aviation and other transportation operations will result by the year 2000 from the signal jamming, deception, and other disruptive effects of Global Positioning System navigation signals?

(3) What, if any, actions can be taken to eliminate or mitigate such threats?

(4) What, if any, modifications of the Global Positioning System and derivative systems can be made to eliminate or significantly reduce such threats, or to increase the ability of the Department of Defense to mitigate such threats, without interfering with authorized and peaceful uses of the Global Positioning System?

SEC. 134. SENSE OF CONGRESS ON EXPEDITING SEALIFT PROCUREMENT.

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

(1) The Joint Chiefs of Staff have verified the urgent need for increased sealift.

(2) The Persian Gulf war provided graphic evidence of the United States longstanding need for increased sealift.

(3) The Congress has appropriated funds for a sealift program in each of the past four fiscal years.

(4) The United States shipbuilding industry and its supplier base would benefit, economically and through sustained employment, from increased ship conversion as well as from new ship construction.

(5) Maintaining or increasing ship conversion and construction helps to preserve the industrial base required for effective national defense.

(6) Enhanced sealift capacity is a vital requirement for the national security of the United States.

(b) EXPEDITED PROCUREMENT.—It is the sense of the Congress that the Secretary of the Navy should move expeditiously to award sealift conversion and construction contracts that represent a fair price to the taxpayer.

SEC. 135. PERMANENT AUTHORITY TO CARRY OUT AWACS MEMORANDA OF UNDERSTANDING.

Section 2350e of title 10, United States Code, is amended by striking out subsection (d).

SEC. 136. RING LASER GYRO NAVIGATION SYSTEMS.

Notwithstanding any other provision of law, none of the funds authorized for appropriations in fiscal years 1994, 1993, and 1992 for the Navy shall be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole source contract.

SEC. 137. OPERATIONAL SUPPORT AIRCRAFT.

None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code), unless—

(1) the procurement is within an exception set forth in section 2304(c) of title 10, United States Code;

(2) the justification and certification requirements of section 2304(f) of such title are satisfied; and

(3) the Under Secretary of Defense for Acquisition certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of such title.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,303,738,000.

(2) For the Navy, $8,338,931,000.

(3) For the Air Force, $12,681,597,000.

(4) For the Defense Agencies, $9,775,951,000, of which—

(A) $252,592,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $4,549,445,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this

section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $200,000,000 shall be available for the Strategic Environmental Research and Development Program.

SEC. 204. FUNDING FOR DEFENSE CONVERSION AND REINVESTMENT RESEARCH AND DEVELOPMENT PROGRAMS.

(a) Of the amounts authorized to be appropriated under section 201—

(1) $10,000,000 shall be available for the national defense program for analysis of the technology and industrial base under section 2503 of title 10, United States Code;

(2) $150,000,000 shall be available for defense dual-use critical technology partnerships established under section 2511 of such title;

(3) $100,000,000 shall be available for commercial-military integration partnerships established under section 2512 of such title;

(4) $100,000,000 shall be available for assistance of regional technology alliances under section 2513 of such title;

(5) $30,000,000 shall be available for defense advanced manufacturing technology partnerships established under section 2522 of such title;

(6) $100,000,000 shall be available for support of defense manufacturing technology extension programs under section 2523 of such title;

(7) $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title;

(8) $10,000,000 shall be available for support of manufacturing experts in the classroom program under section 2197 of such title;

(9) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program; and

(10) $50,000,000 shall be available for the agile manufacturing/enterprise integration program.

(b) Of the amounts authorized to be appropriated under section 201, $10,000,000 shall be available, in addition to the amounts specified in subsection (a), for the programs, projects, and activities described in subsection (a).

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.

(a) CONVERSION OF PROGRAM.—The Secretary of Defense shall convert the Kinetic Energy Antisatellite (KE-ASAT) Program to a tactical antisatellite technologies program.

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

(c) DEVELOPMENT OF MOST CRITICAL TECHNOLOGIES.—The amount referred to in subsection (b) shall be available for engineering development of the most critical antisatellite technologies.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatillite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

SEC. 212. JAVELIN MISSILE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated in section 201(1), not more than $34,937,000 may be obligated for the Javelin missile program until the Secretary of Defense certifies to the congressional defense committees that the Under Secretary of Defense for Acquisition—

(1) has conducted a thorough review of such program;

(2) has determined that the cost problems with the Javelin missile development and production are under control;

(3) has completed a cost-effectiveness evaluation and determined that the Javelin missile should enter production; and

(4) has approved an enhanced producibility plan developed by the Army.

(b) COST GROWTH REPORT.—The Secretary of Defense shall submit to Congress a report on the total extent of the increase in the cost of the Javelin program. The Secretary shall include in the report the Secretary's assessment of the extent of the contractor's liability for the increased cost and the actions being taken by or on behalf of the United States to obtain compensation for the contractor's share of the responsibility for the increased cost.

SEC. 213. PLAN FOR TESTING NEW ELECTRONIC COUNTERMEASURES SYSTEM FOR B-1B BOMBERS.

(a) REQUIREMENT FOR PLAN.—The Secretary of Defense shall develop a plan for testing the new electronic countermeasures system being developed for the B-1B bomber.

(b) CONTENT OF PLAN.—The plan shall contain—

(1) a detailed description of plans for developmental testing and for operational testing, including early operational testing by the Director of Operational Test and Evaluation; and

(2) a full description of the range of test parameters, including B-1B bomber flight conditions, individual threat systems against which countermeasures will be tested, and testing of countermeasures in the presence of multiple threats.

(c) SUBMISSION OF PLAN.—(1) The Secretary shall submit the plan to the congressional defense committees.

(2) The Secretary shall provide a copy of the plan to the Director of Operational Test and Evaluation.

(d) REVIEW AND COMMENT.—The Director of Operational Test and Evaluation shall review the plan and submit any comments on the plan to the Secretary and directly to the congressional defense committees.

(e) SCOPE OF REVIEW.—The review required under subsection (d) shall include—

(1) the adequacy of the test plan to permit measurement of the extent to which the new electronic countermeasures system, if procured and installed in all B-1B bombers, would improve the survivability of B-1B bombers;

(2) the adequacy of available threat simulators to characterize threats that the B-1B bomber is likely to encounter on conventional bombing missions;

(3) the contribution of the new electronic countermeasures system to the effectiveness of the employment of B-1B bombers on conventional bombing missions if the new electronic countermeasures system were installed on all B-1B bomber aircraft; and

(4) such other matters as the Director of Operational Test and Evaluation considers significant.

(f) AVAILABILITY OF AUTHORIZED FUNDS.—Of the amount authorized to be appropriated under section 201(3), not more than $43,500,000 shall be available for the new electronic countermeasures system under the B-1B bomber aircraft program.

(g) LIMITATIONS.—(1) None of the funds made available pursuant to subsection (f) may be obligated until all of the requirements set forth in section 152 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2340) have been met.

(2) Of the amount made available pursuant to subsection (f), not more than $20,000,000 may be obligated until the plan required by subsection (a) has been submitted to the congressional defense committees.

SEC. 214. SPACE LAUNCH PLAN.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop a space launch plan that contains clearly defined priorities, goals, and milestones regarding new space launch vehicles and technology. The Secretary shall submit the plan to Congress at the same time that he submits to Congress the future years defense program in 1994 pursuant to section 221 of title 10, United States Code.

(b) SELECTION OF LAUNCH VEHICLE OPTIONS.—Of the amount authorized to be appropriated in section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology, the Secretary of Defense shall allocate not less than 75 percent of such amount to one of the following options for a space launch system:

(1) A comprehensive demonstration of high-risk, far-term launch technology, such as reusable single-stage-to-orbit and air-breathing propulsion.

(2) A competitive acquisition program for a durable and inexpensive expendable or reusable launch vehicle with an initial operational capability date early in the next decade.

(3) A program to modify existing launch vehicles to achieve decreased cost and increased responsiveness.

(c) LIMITATION.—Not more than one-third of the amount authorized to be appropriated in section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology may be obligated until the Secretary certifies to the congressional defense committees that the option selected for funding in accordance with subsection (b) is fully funded in the future years defense program referred to in subsection (a).

(d) USE OF FOREIGN LAUNCH VEHICLES.—(1) The Secretary of Defense shall conduct one or more studies to determine the potential for using space launch vehicles of foreign countries to launch United States national security payloads. The studies shall be conducted with the goal of determining whether the use of such launch vehicles would result in reduced costs for launches of national security payloads, increased competition in the furnishing of space launch vehicles for launching such payloads, and a reduction in the excessive United States space launch industrial base.

(2) Of the funds authorized to be appropriated under section 201(3) and to be made available for research, development, test, and evaluation of new space launch systems and technology, the Secretary of Defense shall allocate up to $5,000,000 for conducting studies described in paragraph (1).

(e) REQUIREMENT REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.—If the Secretary of Defense selects an option referred to in

paragraph (1) or (2) of subsection (b) for full funding in the future years defense plan referred to in subsection (a), the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(f) REQUIREMENT REGARDING MODIFICATION OF EXISTING LAUNCH VEHICLES.—If the Secretary of Defense selects the option referred to in paragraph (3) of subsection (b) for full funding under the future years defense plan referred to in subsection (a), the Secretary's plan shall provide for Department of Defense use of one medium-lift launch vehicle for satellite payloads instead of three medium-lift launch vehicles. The Secretary shall use competitive procedures to select the supplier of medium-lift launch vehicles.

(g) COST REDUCTION REQUIREMENT.—The plan shall provide for reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for such production rates.

SEC. 215. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, not more than $108,300,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated and expended for product development, and for research, development, testing, and evaluation, of medical countermeasures against biowarfare threat agents only in accordance with this section.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, test, or evaluation of medical countermeasures against far-term validated biowarfare threat agents.

(3) Of the funds made available pursuant to subsection (a), other than funds made available pursuant to paragraph (2) for the purpose set out in that paragraph—

(A) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

(B) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term validated biowarfare threat agents.

(c) DEFINITIONS.—In this section, the terms "validated biowarfare threat agent", "near-term validated biowarfare threat agent", "mid-term validated biowarfare threat agent", and "far-term validated biowarfare threat agent" have the meanings given such terms, respectively, in section 241(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2359).

SEC. 216. BASELINE REPORT FOR THE ARROW TACTICAL BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINE REPORT REQUIRED.—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a baseline report on the Arrow tactical ballistic missile defense system of Israel. The Secretary shall design the report to provide such committees with the information the committees need to perform their oversight function.

(b) CONTENT OF REPORT.—At a minimum, the report shall include the following matters:

(1) The development and procurement schedules for the program.

(2) The estimated total cost of the program.

(3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.

(4) The same or similar kinds of information that are included for a major defense acquisition program in a Selected Acquisition Report submitted pursuant to section 2432 of title 10, United States Code, to the extent that the Secretary can adapt the information requirements of that section for application to the Arrow tactical ballistic missile defense system.

(5) An assessment of the performance of the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or planned United States weapon system.

(8) For each such alternative—

(A) an assessment of the cost effectiveness of undertaking the alternative;

(B) the technology transfer implications; and

(C) the weapon proliferation implications.

(c) FORMS OF REPORT.—The Secretary shall submit the report in classified and unclassified versions.

SEC. 217. LIMITATIONS REGARDING FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 pursuant to an authorization of appropriations in section 201 may be obligated for procuring work from any federally funded research and development center named in the table in paragraph (2) subject to the limitations set forth for such center in that table.

(2) The table referred to in paragraph (1) is as follows:

Federally funded research and development center:	Type of work for which funds may be obligated:	Maximum amount that may be obligated:	Maximum number of MTS-years that may be procured:
Center for Naval Analysis	(Unspecified)	$45,400,000	230
Institute for Defense Analysis	Systems and engineering in connection with operational test and evaluation	$13,500,000	76
	Research and development in connection with command, control, communications, and intelligence.	$33,500,000	136
	Studies and analysis	$56,000,000	300
Rand Project Air Force	(Unspecified)	$24,000,000	116
National Defense Research Institute	(Unspecified)	$23,200,000	115
Arroyo Center	(Unspecified)	$21,000,000	104
Logistics Management Institute	(Unspecified)	$25,690,000	96
Aerospace Corporation	(Unspecified)	$376,770,000	2,165
MIT Lincoln Laboratory	(Unspecified)	$299,300,000	994
Mitre	(Unspecified)	$399,700,000	2,357
Software Engineering Institute	(Unspecified)	$34,590,000	190
Institute for Advanced Technology	(Unspecified)	$0	0

(b) AUTHORITY TO WAIVE LIMITATIONS.—The Secretary of Defense may waive a limitation regarding a maximum amount or a maximum number of MTS-years that applies under subsection (a) to a federally funded research and development center if—

(1) the Secretary has notified the congressional defense committees of the proposed waiver and the reasons for the waiver, and the 60-day period that begins on the date of the notification has elapsed; or

(2) the Secretary determines that it is essential to the national security that funds be obligated for work in excess of that limitation within 60 days and notifies the congressional defense committees of that determination and the reasons for the determination.

(c) REPORT ON ALLOCATIONS FOR CENTERS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The proposed funding level and the estimated personnel level for fiscal year 1994 for each federally funded research and development center.

(2) The funding source for that funding level, by program element, and the amount transferred or to be transferred from that source to each federally funded research and development center.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—Notwithstanding any other provision of this section, no funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated to obtain work from any federally funded research and development center until the Secretary of Defense has submitted the report required by subsection (c).

(e) LIMITATION REGARDING EMPLOYEE COMPENSATION.—(1) Except as provided in paragraph (2), during fiscal year 1994 no appropriated funds may be used to pay an employee of a federally funded research and development center named in the table in subsection (a)(2) at a higher rate of compensation than the rate of compensation that the center paid such employee during fiscal year 1993.

(2) The Secretary of Defense may waive the applicability of the limitation in paragraph (1) to any federally funded research and development center that certifies to the Secretary of Defense that the total expenditures of the center for fiscal year 1994, including any increases and planned increases in the rates of compensation for employees of the center, will be less than the amount equal to 94 percent of the maximum amount set forth

for such center in the table in subsection (a)(2).

(f) DEFINITION.—In this section:

(1) The term "MTS-year" means a member of technical staff-year, as defined by the Secretary of Defense.

(2) The term "technical staff", with respect to a federally funded research and development center, means the following employees of the center:

(A) Researchers.

(B) Mathematicians.

(C) Programmers.

(D) Analysts.

(E) Economists.

(F) Scientists.

(G) Engineers.

(H) Other employees of the center who perform professional level technical work primarily in any of the following fields:

(i) Studies and analyses.

(ii) System engineering and integration.

(iii) Systems planning.

(iv) Program and policy planning and analysis.

(v) Basic and applied research.

(g) FUNDING.—(1) Of the amounts authorized to be appropriated to the Department of Defense for research, development, test, and evaluation for fiscal year 1994 pursuant to section 201, not more than $1,352,650,000 may be obligated for procuring services from the federally funded research and development centers listed in the table in subsection (a)(2).

(2) None of the funds authorized to be obligated under paragraph (1) may be obligated for the procurement of services from the Institute for Advanced Technology.

(h) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $200,000,000.

Subtitle C—Missile Defense Programs

SEC. 221. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) TERMINOLOGY AMENDMENTS.—The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is amended—

(1) in section 234(c)(1)—

(A) by striking out "Strategic Defense Initiative Organization (SDIO)" and inserting in lieu thereof "Ballistic Missile Defense Organization (BMDO)"; and

(B) by striking out "Strategic Defense Initiative Organization's" and inserting in lieu thereof "Ballistic Missile Defense Organization's";

(2) in section 235—

(A) in the section heading, by striking out **"STRATEGIC DEFENSE INITIATIVE"** and inserting in lieu thereof **"BALLISTIC MISSILE DEFENSE PROGRAM"**; and

(B) in the text of such section, by striking out "Strategic Defense Initiative" each place it appears and inserting in lieu thereof "Ballistic Missile Defense program";

(3) in the heading of section 236, by striking out **"SDI"** and inserting in lieu thereof **"BMD"**; and

(4) in sections 234, 235, and 236, by striking out "Strategic Defense Initiative Organization" each place it appears and inserting in lieu thereof "Ballistic Missile Defense Organization".

(b) REPEAL OF FUNDING, REPORTING, AND TRANSFER PROVISIONS.—(1) Section 237 of such Act is repealed.

(2) Such Act is amended by redesignating sections 238, 239, and 240 as sections 237, 238, and 239, respectively.

SEC. 222. FUNDING OF CERTAIN BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—If a decision is not made before February 28, 1994, to proceed into engineering and manufacturing development under a weapon system program referred to in subsection (b), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC-3 Missile program.

(b) COVERED WEAPON SYSTEM PROGRAMS.—For purposes of subsection (a) the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS FOR COMPLIANCE WITH ABM TREATY.

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

(1) That section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.-USSR SALT I Interim Agreement of 1972.

(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as is technically possible.

(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.

(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR-T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile-2 (SM-2) interceptor of the Navy.

(c) REPORT REQUIRED.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the congressional defense committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade.

(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota?

(B) If not, can design changes or operational changes be made to the Brilliant Eyes space-based sensor that—

(i) will result in the usability of the sensor in conjunction with the planned ground-based radar system and its ground-based interceptors being in compliance with the ABM Treaty; and

(ii) will not prevent the system from performing its strategic defense missions with a high degree of effectiveness?

(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty?

(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the

capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?

(d) LIMITATIONS ON FUNDING.—(1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade required by subsection (b) and has submitted to the congressional defense committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.

(2) Not more than $50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.

(e) ABM TREATY COMPLIANCE OF THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.

(f) DEFINITION.—In this section, the term "ABM Treaty" has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

SEC. 224. THEATER MISSILE DEFENSE MASTER PLAN.

(a) MASTER PLAN REQUIRED.—(1) Not later than March 1, 1994, the Secretary of Defense shall submit to Congress a report containing an updated master plan for theater missile defenses.

(2) The plan shall include the following matters:

(A) A description of the mission and scope of theater missile defense.

(B) A description of the role of each of the Armed Forces in theater missile defense and an explanation of how those roles interact and complement each other.

(C) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a theater missile defense system by the Ballistic Missile Defense Organization.

(D) A detailed acquisition strategy for theater missile defenses, including an analysis and comparison of the projected life-cycle costs of each theater missile defense system intended for production, showing the component costs for—

(i) research, development, test, and evaluation;

(ii) procurement;

(iii) operation and maintenance; and

(iv) personnel for each system.

(E) The baseline production rate for each system for each year of the program through completion of procurement.

(F) An estimate of the unit cost and capabilities of each element.

(G) A description of the current and planned testing program for theater missile defenses, including a description of demonstration targets to be tracked and engaged by multiple interceptors, target discrimination from decoys, and a shoot-look-shoot capability.

(H) A description of how any projected theater missile defense program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty regimes, indicating clearly any potential noncompliance with either treaty regime, when such noncompliance would occur, and the position of the Secretary of Defense as to whether provisions of either treaty regime would have to be renegotiated within that regime in order to address future contingencies.

(I) A description of planned theater missile defense doctrine, training, tactics, and force structure.

(b) OBJECTIVES OF PLAN.—In preparing the master plan the Secretary shall—

(1) seek to maximize the use of existing technologies (such as AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

SEC. 225. EXTENSION OF AUTHORITY FOR TRANSFER OF RESPONSIBILITY FOR FAR-TERM FOLLOW-ON TECHNOLOGIES.

Section 234(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2357; 10 U.S.C. 2431 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "1993" and inserting in lieu thereof "1994";

(B) by striking out "(A)"; and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out "(B) For purposes of subparagraph (A)," and all that follows.

SEC. 226. REPORT ON ACQUISITION STREAMLINING TO ACCELERATE DEPLOYMENT OF INITIAL ABM SYSTEM.

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

(1) The Missile Defense Act of 1991 (10 U.S.C. 2431 note) calls for the deployment of an ABM Treaty-compliant anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks by ballistic missiles.

(2) That Act directed the Secretary of Defense to structure a development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

(3) Since 1983, in excess of $30,000,000,000 has been provided for research and development of ballistic missile defense capabilities.

(4) Notwithstanding this huge expenditure of funds on missile defense technologies, the Secretary of Defense has proposed deployment of such a system no sooner than 2004.

(5) It is incredible that the initial deployment of a limited defense capability requires another 11 years to accomplish within the congressionally mandated guidance.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, deployment, and testing of ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency. In conducting the review, the Secretary shall obtain recommendations and advice from the Defense Science Board, the faculty of the Industrial College of the Armed Forces, and federally funded research and development centers supporting the Office of the Secretary of Defense.

(c) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings resulting from the review together with his recommendations for legislation, if any. The Secretary shall submit the report in unclassified form, but may also submit a classified version of the report if he considers it necessary to classify any of the information in his findings or recommendations or any related information.

SEC. 227. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, or otherwise made available to the Department of Defense for research, development, test and evaluation for fiscal year 1994, not more than $2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

(2) not more than 32 percent of the total amount may be obligated for the Limited Defense System;

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such paragraph a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) LIMITATION ON NUMBER OF TMD PROGRAMS.—(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

(A) the Patriot PAC-3 Missile program;

(B) not more than 2 other lower-tier theater missile defense programs;

(C) not more than 2 upper-tier theater missile defense programs; and

(D) not more than 2 boost-phase intercept theater missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

(c) FUNDS NOT TO BE MADE AVAILABLE FOR BRILLIANT EYES.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) REPORTING REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report shall specify the amount of such funds allocated

for each program, project, and activity managed by the Ballistic Missile Defense Organization and shall list each ballistic missile defense program, project, and activity under the appropriate program element.

SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PROGRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

Subtitle D—Other Matters

SEC. 231. NUCLEAR TESTING.

(a) LIMITATIONS.—(1) None of the funds appropriated pursuant to an authorization in this or any other Act may be obligated to support underground explosions of nuclear weapons, or devices, for testing of the effects of nuclear weapon explosions, including the so-called "Mighty Uncle" test.

(2) Funds available for the so-called "Mighty Uncle" test may not be obligated until the Secretary of Defense submits to the congressional defense committees a detailed spending plan for underground nuclear weapon testing that is consistent with the provisions of section 507 of Public Law 102-377 (106 Stat. 1343).

(b) CERTAIN ACTIONS AUTHORIZED.—The Secretary of Defense may proceed with underground nuclear test tunnel deactivation and environmental cleanup and may expend funds for infrastructure activities not prohibited by subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, not more than $38,000,000 may be used for activities described in subsection (b).

(d) TERMINATION OF SAFEGUARD C PROGRAM.—The atmospheric test readiness program known as "Safeguard C" is hereby terminated.

SEC. 232. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAM TO THE DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.

Section 216(a) of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1317) as amended by section 215(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2352) is amended by striking out "fiscal years 1994 through 1997" and inserting in lieu thereof "fiscal years 1995 through 1999".

SEC. 233. TERMINATION, REESTABLISHMENT, AND RECONSTITUTION OF AN ADVISORY COUNCIL ON SEMICONDUCTOR TECHNOLOGY.

(a) TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH.—The Advisory Council on Federal Participation in Sematech established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is hereby terminated.

(b) SEMICONDUCTOR TECHNOLOGY COUNCIL.—Section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended by striking out the heading and subsections (a) through (c) and inserting in lieu thereof the following:

"SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.

"(a) ESTABLISHMENT.—There is established the Semiconductor Technology Council.

"(b) PURPOSES AND FUNCTIONS.—(1) The purposes of the Council are—

"(A) to seek ways to respond to the technology challenges for semiconductors by increasing efficiency, promoting creativity and entrepreneurship, and fostering precompetitive cooperation among industry, government, and academia; and

"(B) to make available judgments, assessments, insights, and recommendations that relate to the opportunities for new research and development efforts and the potential to better rationalize and align on a national basis semiconductor research and development.

"(2) The Council shall—

"(A) advise Sematech and the Secretary of Defense on appropriate technology goals for the research and development activities of Sematech;

"(B) review the technology developments and core technology challenges for semiconductors and explore opportunities for improved coordination among industry, government, and academia;

"(C) exchange views regarding the competitiveness of the semiconductor technology base and new or emerging semiconductor technologies that could affect national economic and security interests;

"(D) exchange and update information and identify overlaps and gaps regarding the efforts of industry, government, and academia in semiconductor research and development;

"(E) assess technology progress relative to the semiconductor technology roadmap;

"(F) make recommendations regarding the scope and content of semiconductor technology development supported by Federal departments and agencies;

"(G) appoint subgroups as necessary in connection with updating and implementing the semiconductor technology roadmap; and

"(H) publish an annual report addressing the semiconductor technology challenges and developments for industry, government, and academia and the relationship among the challenges and developments for each, with particular emphasis on the role of Sematech.

"(c) MEMBERSHIP.—The Council shall be composed of 14 members as follows:

"(1) The Under Secretary of Defense for Acquisition, who shall be Cochairman of the Council.

"(2) The Under Secretary of Energy responsible for science and technology matters.

"(3) The Under Secretary of Commerce for Technology.

"(4) The Director of the Office of Science and Technology Policy.

"(5) The Assistant to the President for Economic Policy.

"(6) The Director of the National Science Foundation.

"(7) Eight members appointed by the President as follows:

"(A) Four individuals who are eminent in the semiconductor device industry, one of whom shall be Cochairman of the Council.

"(B) Two individuals who are eminent in the semiconductor equipment and materials industry.

"(C) One individual who is eminent in the semiconductor user industry.

"(D) One individual who is eminent in an academic institution.".

(c) CONFORMING AMENDMENTS.—Part F of title II of such Act is amended—

(1) in section 271(c) (15 U.S.C. 4601(c)), by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The terms 'Semiconductor Technology Council' and 'Council' mean the advisory council established by section 273.";

(2) in section 272(b)(1)(B) (15 U.S.C. 4602(b)(1)(B)), by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council"; and

(3) in section 273 (15 U.S.C. 4603)—

(A) in the first sentence of subsection (d)—

(i) by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(ii) by striking out "two shall be appointed for a term of two years" and inserting in lieu thereof "three shall be appointed for a term of two years";

(B) in the first sentence of subsection (e), by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(C) in subsection (f), by striking out "Seven members" and inserting in lieu thereof "Nine members".

(d) AUTHORITY TO CALL MEETING.—Section 273(g) of such Act (15 U.S.C. 4603(g)) is amended by striking out "the Chairman or a majority of its members" and inserting in lieu thereof "a Cochairman".

(e) SOURCE OF SUPPORT FOR SEMATECH.—Section 273 of such Act (22 U.S.C. 4603) is amended by adding at the end the following new subsection:

"(j) SUPPORT FOR COUNCIL.—The Council shall utilize Sematech as needed for general and administrative support in accomplishing the Council's purposes.".

(f) FIRST MEETING OF NEW COUNCIL.—The first meeting of the Semiconductor Technology Council shall be held not later than 45 days after the date of the enactment of this Act.

(g) REFERENCE TO COUNCIL.—A reference in any provision of law to the Advisory Council on Federal Participation in Sematech shall be deemed to refer to the Semiconductor Technology Council established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, as amended by subsection (b).

SEC. 234. AUTHORITY TO ACQUIRE NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including improvements thereon, consisting of approximately 88 acres and located on President's Island, Memphis, Tennessee, the site of the Navy Large Cavitation Channel.

(b) FUNDING.—To the extent provided in appropriations Acts, amounts appropriated pursuant to section 201(2) for the Navy shall be available for the acquisition of real property authorized under subsection (a).

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

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the

acquisition under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 235. STRATEGIC ENVIRONMENTAL RESEARCH COUNCIL.

(a) MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively;

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

"(4) The Deputy Under Secretary of Defense responsible for environmental security."; and

(4) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph (6):

"(6) The Assistant Secretary of Energy responsible for environmental restoration and waste management.".

(b) EXTENSION OF AUTHORITY TO ESTABLISH EMPLOYEE PAY RATES.—Section 2903(d)(2) of title 10, United States Code, is amended by striking out "November 5, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 236. SENSE OF THE SENATE ON METALCASTING INDUSTRY.

It is the Sense of the Senate that—

(1) The health and viability of the metalcasting industry of the United States are a serious risk, and

(2) The Secretary of Defense should seriously consider providing funds, from within the funds made available pursuant to section 204, for metalcasting industry research and development activities, including the following activities:

(A) Development of casting technologies and techniques.

(B) Improvement of technology transfer within the metalcasting industry in the United States.

(C) Improvement of training for the metalcasting industry workforce.

SEC. 237. INTERIM RECONNAISSANCE PROGRAM.

(a) Of the funds authorized to be appropriated in section 201 for the Joint Program Office for Unmanned Aerial Vehicles, up to $40,000,000 may be obligated and expended for the purposes of initiating a long-endurance, unmanned reconnaissance aerial vehicle program, subject to the conditions outlined in subsection (b) and subsection (c).

(b) The funds may be obligated only to procure, integrate, test and evaluate non-development airframes, sensors, communication equipment, mission planning equipment and ground stations.

(c) None of the funds may be obligated until the Department identifies the programs within the jurisdiction of the Joint Program Office that will be terminated or deferred, consistent with normal reprogramming procedures.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Prevention and Control of the Proliferation of Weapons of Mass Destruction Act of 1993".

SEC. 242. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of Energy, and the Intelligence Community have an important role in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons;

(3) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that can enhance the effectiveness of United States and international nonproliferation efforts, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(4) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that directly contribute to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counterproliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defenses against ballistic missile attacks; and

(5) in a manner consistent with the nonproliferation policy of the United States, the Department of Defense, the Department of Energy, and the Intelligence Community should continue to maintain and improve their capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 243. JOINT COMMITTEE FOR REVIEW OF NONPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) In support of the nonproliferation policy of the United States, there is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of Energy.

(C) The Director of Central Intelligence.

(D) The Director of the United States Arms Control Disarmament Agency.

(E) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition the performance of the duties of the Chairman of the committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level officials and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pursuant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;

(B) battlefield surveillance;

(C) passive defenses;

(D) active defenses;

(E) counterforce capabilities;

(F) inspection support; and

(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(4) identify deficiencies in existing capabilities and technologies;

(5) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(6) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, Department of Energy, and the intelligence community that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendations regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

SEC. 244. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit to Congress a report on the findings of the committee on nonproliferation activities established pursuant to section 243.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 243(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to section 243(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Armed Forces of the United States—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) FORMS OF REPORT.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 245. DEFINITIONS.

In this subtitle:

(1) The term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $15,194,036,000.

(2) For the Navy, $19,081,792,000.

(3) For the Marine Corps, $1,790,489,000.

(4) For the Air Force, $18,932,246,000.

(5) For Defense Agencies $9,523,283,000.

(6) For the Defense Health Program, $9,303,447,000.

(7) For the Army Reserve, $1,096,190,000.

(8) For the Naval Reserve, $782,800,000.

(9) For the Marine Corps Reserve, $83,100,000.

(10) For the Air Force Reserve, $1,356,078,000.

(11) For the Army National Guard, $2,216,944,000.

(12) For the Air National Guard, $2,717,733,000.

(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.

(14) For the Defense Inspector General, $127,001,000.

(15) For Drug Interdiction and Counter-Drug Activities, Defense-wide, $1,168,200,000.

(16) For the Court of Military Appeals, $6,055,000.

(17) For Environmental Restoration, Defense, $2,369,400,000.

(18) For Humanitarian Assistance, $48,000,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1994 World Cup Games, $12,000,000.

(21) For Former Soviet Union Threat Reduction, $400,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,161,095,000.

SEC. 303. FUNDING NATIONAL DEFENSE STRATEGIC LIFT REQUIREMENTS.

(a) RENAMING FUND.—Section 2218 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§ 2218. National Defense Strategic Lift Fund";

and

(2) by striking out "National Defense Strategic Sealift Fund" each time it appears and inserting in lieu thereof "National Defense Strategic Lift Fund".

(b) FUND PURPOSES.—Subsection (c)(1) of such section is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(c) DEPOSITS IN THE FUND.—Subsection (d)(1) of such section is amended—

(1) by striking out "and" at the end of subparagraph (C);"

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(d) CONTENT OF BUDGET REQUESTS.—Subsection (h) of such section is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the amount requested for programs, projects, and activities for construction, purchase, alteration, and conversion of Department of Defense strategic airlift aircraft.".

(e) STRATEGIC AIRLIFT AIRCRAFT DEFINED.—Subsection (k) of such section is amended by adding at the end the following new paragraph:

"(4) The term 'strategic airlift aircraft' means any cargo aircraft owned, operated, controlled, or chartered by the Department of Defense that has intercontinental range.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for the National Defense Strategic Lift Fund in the amount of $2,669,100,000.

SEC. 304. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the sum of $61,918,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 305. NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.

During fiscal year 1994, $24,000,000 is authorized to be obligated from the National Security Education Trust Fund established by section 804(a) of the David L. Boren National Security Education Act of 1991 (Public Law 102-183; 50 U.S.C. 1904(a)).

SEC. 306. TRANSFER AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense, to the extent provided in appropriations Acts, may transfer funds as provided in this section during fiscal year 1994. Funds so transferred are in addition to the funds authorized to be appropriated in section 301.

(b) FROM THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Subject to paragraph (2), not more than $3,035,300,000 may be transferred from the Defense Business Operations Fund to appropriations for operations and maintenance for fiscal year 1994 in amounts as follows:

(A) For the Army, $880,200,000.

(B) For the Navy, $1,092,700,000.

(C) For the Marine Corps, $121,000,000.

(D) For the Air Force, $941,400,000.

(2) Amounts may be transferred under this subsection only to the extent that the Fund contains cash balances sufficient for such transfers.

(c) FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Not more than $500,000,000 may be transferred from the National Defense Stockpile Transaction Fund to appropriations for operation and maintenance for fiscal year 1994 in amounts as follows:

(1) For the Army, $150,000,000.

(2) For the Navy, $150,000,000.

(3) For the Air Force, $200,000,000.

(d) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred;

(2) shall be deemed to increase the amount authorized to be appropriated for the account to which the amount is transferred by an amount equal to the amount transferred; and

(3) may not be expended for an item that has been denied authorization of appropriations by Congress.

(e) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—An increase under subsection

(d)(2) in an amount authorized to be appropriated is in addition to an increase in that amount that results from a transfer of an authorization of appropriations pursuant to section 1001.

(f) RELATIONSHIP TO APPROPRIATED FUNDS.—Funds made available by transfer under this section shall be in addition to funds made available pursuant to an authorization of appropriations in section 301.

SEC. 307. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $10,000,000 is authorized for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

Subtitle B—Defense Business Operations Fund

SEC. 311. EXTENSION OF AUTHORITY FOR USE OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "December 31, 1994".

SEC. 312. IMPLEMENTATION OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2208 note) is amended by striking out subsections (d), (e), and (f) and inserting in lieu thereof the following new subsections:

"(d) COMPREHENSIVE MANAGEMENT PLAN.—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of Defense shall submit to the congressional defense committees a comprehensive management plan for the Defense Business Operations Fund. The Secretary shall identify in the plan the actions the Department of Defense will take to improve the implementation and operation of the Defense Business Operations Fund.

"(2)(A) The plan should also include the following matters:

"(i) The specific tasks to be performed to address the serious shortcomings that exist in the Fund's implementation and operation.

"(ii) Milestones for starting and completing each task.

"(iii) A statement of the resources needed to complete each task.

"(iv) The specific organizations within the Department of Defense that are responsible for accomplishing each task.

"(v) Department of Defense plans to monitor the implementation of all corrective actions.

"(B) The plan should also address the following specific areas:

"(i) The management and organizational structure of the Fund.

"(ii) The development and implementation of the policies and procedures, including internal controls, applicable to the Fund.

"(iii) Management reporting, including financial and operational reporting.

"(iv) Accuracy and reliability of cost accounting data.

"(v) Development and use of performance indicators to measure the efficiency and effectiveness of Fund operations.

"(vi) The status of efforts to develop and implement new financial systems for the Fund.

"(e) PROGRESS REPORT ON IMPLEMENTATION.—Not later than February 1, 1994, the Secretary of Defense shall submit to the Congress a report on the progress made in implementing the comprehensive management plan required by subsection (d). The report should describe the progress made in reaching the milestones established in the plan and provide an explanation for the failure to meet any of the milestones. The Secretary shall submit a copy of the report to the Comptroller General of the United States at the same time that he submits the report to Congress.

"(f) RESPONSIBILITIES OF THE COMPTROLLER GENERAL.—(1) The Comptroller General of the United States shall monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan required by subsection (d).

"(2) Not later than March 1, 1994, the Comptroller General shall submit to the Congress a report containing the following:

"(A) The findings and conclusions of the Comptroller General resulting from the monitoring and evaluation conducted under paragraph (1).

"(B) An evaluation of the progress report submitted to Congress by the Secretary of Defense pursuant to subsection (e).

"(C) Any recommendations for legislation or administrative action concerning the Fund that the Comptroller General considers appropriate.".

SEC. 313. LIMITATION ON OBLIGATIONS AGAINST THE DEFENSE BUSINESS OPERATIONS FUND.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund of the Department of Defense during fiscal year 1994 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1994, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is necessary in order to maintain the readiness and combat effectiveness of the Armed Forces. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle C—Environmental Provisions

SEC. 321. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.

(a) AUTHORITY.—Chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2866. Water conservation at military installations

"(a) WATER CONSERVATION ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any water utility for the management of water or for water conservation.

"(2) The Secretary of Defense may authorize any military installation to accept any financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a water utility to adopt technologies and practices that the Secretary determines are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with water utilities to design and implement cost-effective demand and conservation incentive programs (including water management services, facilities, alterations, and the installation and maintenance of water saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(4)(A) If an agreement under paragraph (3) provides for the utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(B) Subject to the availability of appropriations, repayment of costs advanced under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to any water-saving device or technology installed at a military installation pursuant to the agreement shall vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

"(b) USE OF WATER COST SAVINGS.—Water cost savings realized under this section shall be utilized in accordance with section 2865(b) of this title.

"(c) WATER CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for water conservation, not previously authorized, using funds appropriated or otherwise made available for water conservation.

"(2) Section 2865(e)(2) of this title shall apply to a project to be carried out under the authority of paragraph (1).

"(d) DEFINITION.—In this section, the term 'water utility' means any publicly or privately owned entity (including a municipal or regional authority or water district) that delivers potable water to a military installation through a transmission or distribution system.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2866. Water conservation at military installations.".

SEC. 322. CLARIFICATION OF AUTHORITY FOR ENERGY CONSERVATION PROGRAMS AT MILITARY INSTALLATIONS.

(a) USE OF SAVINGS.—Subsection (b)(2) of section 2865 of title 10, United States Code, is amended to read as follows:

"(2) Of the total amount that remains available for obligation under paragraph (1) and section 2866(b) of this title—

"(A) one-half of such amount shall be used for the implementation of additional energy conservation measures and for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations which the Secretary of Defense shall prescribe) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or referred to in section 2866(b) of this title; and

"(B) one-half of such amount shall be allocated among the installations that realized such savings in the same proportions as such savings were realized at such installations and the amount so allocated to an installation shall be utilized at such installation for—

"(i) improvements to existing military family housing units;

"(ii) any unspecified minor construction project that will enhance the quality of life of personnel; or

"(iii) any morale, welfare, or recreation facility or service.".

(b) COVERED UTILITIES.—Subsection (d) of such section 2865 is amended by adding at the end the following:

"(5) In this subsection, the terms 'gas utility' and 'electric utility' mean any publicly or privately owned entity (including a municipal or regional authority or Federal power marketing agency) that deliver natural gas or electricity, respectively, to a military installation through a transmission or distribution system.".

SEC. 323. CLARIFICATION OF FUNDING FOR ENVIRONMENTAL RESTORATION ACTIVITIES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 2906(e) 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—

(1) by inserting "(1)" before "Except for";

(2) in paragraph (1), as so designated, by inserting "and except as provided in paragraph (2)" in the first sentence after "subsection (a)"; and

(3) by adding at the end the following:

"(2) Funds in the Defense Environmental Restoration Account established under section 2703(a) of title 10, United States Code, may be used for obligations incurred for purposes described in section 2905(a)(1)(C)—

"(A) in fiscal year 1994 for installations approved for closure or realignment under this part in 1993; and

"(B) in fiscal year 1996 for installations approved for closure or realignment under this part in 1995.".

SEC. 324. ANNUAL REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REPORT ON IMPLEMENTATION OF PROGRAMS.—Paragraph (2) of section 2706(a) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs (C) and (D):

"(C) The estimated cost of carrying out response actions at each facility on the National Priorities List for each of the 5 fiscal years following the fiscal year in which the report is submitted.

"(D) The costs incurred for response actions at each facility on the National Priorities List during the fiscal year preceding the fiscal year in which the report is filed."; and

(3) by adding at the end the following:

"(F) The estimated cost of carrying out response actions at facilities other than facilities on the National Priorities List for each of the 5 fiscal years following the fiscal year in which the report is submitted.".

(b) TIMING OF REPORT.—Such section 2706(a) is further amended by adding at the end the following:

"(3) The Secretary shall submit the annual report required under this subsection no later than April 15 of each year.".

SEC. 325. EXTENSION OF PERIOD OF APPLICABILITY OF REQUIREMENT FOR REIMBURSEMENT OF THE FEDERAL GOVERNMENT FOR CERTAIN LIABILITIES ARISING UNDER CONTRACTS RELATING TO HAZARDOUS WASTE.

Section 2708(b)(1) of title 10, United States Code, by striking out "and 1993" and inserting in lieu thereof "through 1996".

SEC. 326. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

SEC. 327. CLARIFICATION OF SCOPE OF INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

(a) INDEMNIFICATION FOR PETROLEUM PRODUCTS.—Subsection (a)(1) of section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) is amended by striking out "or pollutant or contaminant" and inserting in lieu thereof ", pollutant or contaminant, any petroleum product, or any other derivative of petroleum".

(b) ACTIVITIES SUBJECT TO INDEMNIFICATION.—Such subsection (a)(1) is further amended by inserting "(including defense activities carried out by a contractor or subcontractor under a contract with the Department of Defense or a military department)" after "Department of Defense activities".

(c) STATE OWNERSHIP OR CONTROL.—Subsection (a)(2)(A) of such section is amended by inserting "(including a leasehold interest)" after "or control".

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Subsection (e) of such section is amended—

(1) by striking out "RELATIONSHIP TO OTHER LAW.—" and inserting in lieu thereof "RELATIONSHIP TO EXISTING LAW AND CONTRACTS.—"; and

(2) by striking out "in any way" and inserting in lieu thereof "in any way—

"(1) section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), any other provision of law, or any regulation; or

"(2) any provision of a contract of the Department of Defense or a military department, or any provision of a subcontract under such a contract, that provides the Department of Defense or the military department with a right of contribution against the contractor or subcontractor, as the case may be.".

SEC. 328. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) SHORT TITLE.—This section may be cited as the "Act to Prevent Pollution from Ships Amendments of 1993".

(b) DEADLINE FOR COMPLIANCE BY SHIPS OWNED OR OPERATED BY THE DEPARTMENT OF THE NAVY WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof ", subject to subsection (f) of this section, as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy when such submersibles are engaged in noncommercial service.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(c) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface vessels owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V of the Convention.

"(2) Not later than 3 years after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy, shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all vessels owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain vessels under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(d) COMPLIANCE MEASURES.—Such section 3 is amended by inserting after subsection (d), as redesignated by subsection (c)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V of the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3)(A) Within 12 months after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy shall promulgate regulations applicable to ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.

The regulations shall be consistent with operational requirements of such ships and shall be revised from time to time in accordance with this subsection.

"(B) The regulations promulgated under subparagraph (A) of this paragraph shall include the following requirements:

"(i) That compacted trash discharged from submersibles be negatively buoyant and contain the minimum amount practicable of plastic.

"(ii) That plastics contaminated by substances other than food not be discharged overboard from any ship during the last 20 days before the ship enters port.

"(iii) That plastics contaminated by food not be discharged overboard from any ship during the last 3 days before the ship enters port.

"(4)(A) The Secretary of Defense shall publish in the Federal Register a report setting forth the names of ships provided with equipment enabling such ships to comply with Annex V to the Convention and describing the amount and nature of the discharges in special areas during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. ".

(e) WAIVER AUTHORITY.—Such section 3, as amended by subsection (d), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsections (b)(2)(A) and (c) of this section and in subsection (f) of the Act to Prevent Pollution from Ships Amendments of 1993 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of 1 year. The President shall submit a report to the Congress each January on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(f) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships of the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a Navy ship.

(3) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships of the Navy that require such processors in order to comply with the provisions of section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (b), (c), and (d) of this section.

(4) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships of the Navy that require such processors in order to comply with such provisions.

(5) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships of the Navy that require such processors in order to comply with such provisions.

(g) DEFINITION.—Section 1(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)) is amended by adding at the end the following:

"(10) 'submersible' means a submarine, or any other vessel designed to operate under water.".

Subtitle D—Other Matters

SEC. 331. REPEAL OF AN EXCEPTION TO A LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

Section 2466(a) of title 10, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out "(1) Except as provided in paragraph (2), the" and inserting in lieu thereof "The".

SEC. 332. MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may perform necessary minor maintenance and repairs of Pacific battle monuments until, by agreement between the Commandant and the Secretary of the American Battle Monuments Commission, the American Battle Monuments Commission undertakes the responsibility for maintenance and repair of such battle monuments.

(b) FUNDING.—(1) In each fiscal year that the Commandant performs maintenance and repair activities pursuant to the authority in subsection (a), the Commandant may expend for such activities not more than $15,000 of the amount made available to the Marine Corps for such fiscal year for operation and maintenance.

(2) Of the amounts available to the Marine Corps for fiscal year 1993 for operation and maintenance, $150,000 may, to the extent provided in appropriations Acts, be made available for the repair and relocation of a monument located on Iwo Jima that commemorates the sacrifice of American military personnel during World War II.

(c) DEFINITION.—In this section, the term "Pacific battle monument" means a monument on an island in the Pacific Ocean that commemorates combat actions of any of the Armed Forces.

SEC. 333. PURCHASE OF ITEMS NOT EXCEEDING $100,000.

Funds appropriated pursuant to the authorization of appropriations in section 301 may be used to purchase items not exceeding $100,000 for each item.

SEC. 334. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 335. CONTRACTS TO PERFORM WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 2469 of title 10, United States Code, is amended—

(1) by inserting "(a) REQUIREMENT FOR COMPETITION.—" before "The Secretary of Defense";

(2) by striking out "threshold";

(3) by striking out "unless" and all that follows and inserting in lieu thereof "to performance by a contractor unless the Secretary uses competitive procedures for the selection of the contractor to perform such workload."; and

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

"(b) INAPPLICABILITY OF OMB CIRCULAR A-76.—Office of Management and Budget Circular A-76 does not apply to a performance change to which subsection (a) applies.".

SEC. 336. PROMOTION OF CIVILIAN MARKSMANSHIP.

Section 4308(c) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, such amounts shall remain available until expended.".

SEC. 337. AMENDMENTS REGARDING PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) AGREEMENT WITH DISTRICT OF COLUMBIA.—Section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2386; 32 U.S.C. 501 note) is amended by adding at the end of subsection (a) the following: "In the case of an agreement with the District of Columbia, the agreement shall be with the commanding general of the District of Columbia National Guard.".

(b) NATIONAL GUARD TRAINING AUTHORIZED TO INCLUDE THE PROVISION OF HEALTH CARE.—Section 376 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsection (b):

"(b) TRAINING AUTHORIZED TO INCLUDE PROVISION OF HEALTH CARE.—Training conducted pursuant to section 270 of title 10, United States Code, and section 502 of title 32, United States Code, may include, as an activity conducted in the course of and incident to required or additional National Guard training, the provision of health care under an agreement entered into pursuant to subsection (a).".

(c) FUNDING, SAVINGS, AND DEFINITION PROVISIONS.—Section 376 of such Act is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by inserting after subsection (e) the following new subsections:

"(f) FUNDING AND USE OF OTHER RESOURCES.—Funds appropriated for operation and maintenance of the National Guard may be used for supplies and equipment necessary for the provision of health care to medically underserved communities under an agreement entered into pursuant to subsection (a). Supplies and equipment furnished by a State, a department or agency of the Federal Government, or any private organization or individual may also be used for the provision of health care to medically underserved communities under such an agreement.

"(g) RETIREMENT CREDIT FOR FISCAL YEAR 1993 SERVICE.—Service under an agreement entered into pursuant to subsection (a) that was performed by National Guard personnel before October 1, 1993 (the effective date of an amendment of subsection (b) to clarify the status of service under such an agreement as training), shall be counted as service under section 502 of title 32, United States Code, for the purpose of computing years of service for entitlement to retired pay under subparagraph (A) or (B) of section 1332(a)(2) of title 10, United States Code.

"(h) DEFINITIONS.—In this section:

"(1) The term 'health care' includes medical and dental care services.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, a territory (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 338. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2395; 20 U.S.C. 238 note) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) there has been a significant increase, as determined by the Secretary of Defense, in the number of military dependent students in average daily attendance in the schools of that agency as a result of a relocation of Armed Forces personnel or civilian employees of the Department of Defense or as a result of a realignment of one or more military installations; or"; and

(4) in paragraph (3), as redesignated by paragraph (2), by inserting "or (2)" before the period at the end.

(b) TECHNICAL CORRECTION.—Section 386 of such Act is amended by—

(1) by redesignating the second subsection (e), relating to definitions, as subsection (h); and

(2) by transferring such subsection, as so redesignated, to the end of such section.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall take effect as of October 23, 1992, as if section 386 of Public Law 102-484 had been enacted as amended by such subsections.

(d) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 301(5)—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b) of section 386 of Public Law 102-484; and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d) of such section.

(e) NOTIFICATION AND DISBURSAL.—(1) The Secretary shall notify on or before June 30, 1994, each local educational agency eligible for assistance under subsections (b) and (d) of section 386 of Public Law 102-484 for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary shall disburse the funds made available pursuant to subsection (d) no later than 30 days after notification to eligible local education agencies.

SEC. 339. ANNUAL ASSESSMENT OF FORCE READINESS.

(a) ANNUAL ASSESSMENT REQUIRED.—Not later than March 1 of each of 1994, 1995, and 1996, the Chairman of the Joint Chiefs of Staff shall submit to Congress an assessment of—

(1) the readiness and capability of the Armed Forces of the United States to carry out the full range of the missions assigned to the Armed Forces; and

(2) the associated level or degree of risk for the Armed Forces in responding to current and anticipated threats to national security interests of the United States.

(b) CONTENT OF ASSESSMENT.—Each assessment shall include, for the 5-year period described in subsection (c), the following matters:

(1) An unclassified description of the current and projected readiness and capability of the Armed Forces of the United States taking into consideration each of the following areas:

(A) Personnel.

(B) Training and exercises.

(C) Logistics, including equipment maintenance and supply availability.

(D) Equipment modernization.

(E) Installations, real property, and facilities.

(F) Munitions.

(G) Mobility.

(H) Wartime sustainability.

(2) The personal assessment of the Chairman of the Joint Chiefs of Staff regarding the readiness and capabilities of the Armed Forces together with the Chairman's personal judgment on whether there are significant problems or risks regarding the capabilities and readiness of the Armed Forces.

(3) Any factors that the Chairman or any other member of the Joint Chiefs of Staff believes may lead to a decrease in force readiness or a degradation in the overall capability of the Armed Forces.

(4) Any recommended actions that the Chairman of the Joint Chiefs of Staff considers appropriate.

(5) Any classified annexes that the Chairman of the Joint Chiefs of Staff considers appropriate.

(c) PERIOD ASSESSED.—The assessment shall include information for the fiscal year in which the assessment is submitted, the 3 preceding fiscal years, and projections for the subsequent fiscal year.

(d) INTERIM ASSESSMENTS.—If, at any time between submissions of assessments to Congress under subsection (a), the Chairman of the Joint Chiefs of Staff determines that there is a significant change in the projected readiness or capability of the Armed Forces from the readiness or capability projected in the most recent annual assessment, the Chairman shall submit to the Congress a revised assessment that reflects each such significant change.

SEC. 340. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment, appointment, or induction into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing;

"(2) the appropriation accounts from which such costs are to be paid; and

"(3) the estimated average total annual cost of recruiting a person for enlistment, appointment, or induction into the armed forces for the fiscal year covered by the budget justification documents, determined and reported separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

SEC. 341. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000, of whom not more than 84,414 shall be commissioned officers.

(2) The Navy, 480,800, of whom not more than 62,747 shall be commissioned officers.

(3) The Marine Corps, 177,000, of whom not more than 17,851 shall be commissioned officers.

(4) The Air Force, 424,400, of whom not more than 80,632 shall be commissioned officers.

SEC. 402. TEMPORARY VARIATION OF PERMANENT END STRENGTH LIMITATIONS FOR CERTAIN GRADES OF OFFICERS IN THE MARINE CORPS.

(a) VARIATION IN PERMANENT LIMITATIONS.—Notwithstanding the items relating to majors and lieutenant colonels of the Marine Corps in the table in section 523(a)(1) of title 10, United States Code, in the administration of the limitation in such section for a fiscal year referred to in the table in subsection (b) of this section with respect to commissioned officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel, the numbers applicable to such commissioned officers shall be the numbers set forth for such fiscal year in the table in subsection (b).

(b) TABLE.—The table referred to in subsection (a) is as follows:

"Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,577
1995	3,081	1,610
1996	3,139	1,643
1997	3,196	1,677.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 127,000.

(4) The Marine Corps Reserve, 42,200.

(5) The Air National Guard of the United States, 119,760.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,500.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary an end strength authorized by subsection (a) by not more than 2 percent above or below that authorized end strength.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 20,415.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,517.

(6) The Air Force Reserve, 648.

SEC. 413. TEMPORARY VARIATION OF PERMANENT END STRENGTH LIMITATIONS FOR AIR FORCE PERSONNEL SERVING ON ACTIVE DUTY IN CERTAIN GRADES IN SUPPORT OF THE RESERVE COMPONENTS.

(a) SENIOR ENLISTED MEMBERS.—Notwithstanding the items relating to pay grades E-8 and E-9 of the Air Force in the table in section 517(b) of title 10, United States Code, in the administration of the limitation in such section for fiscal year 1994 with respect to enlisted members of the Air Force serving on active duty in pay grades E-8 and E-9 for duty referred to in that section, the numbers applicable to such enlisted members are as follows:

(1) Grade E-8, 840.

(2) Grade E-9, 328.

(b) CERTAIN OFFICER GRADES.—Notwithstanding the items relating to lieutenant colonels and colonels of the Air Force in the table in section 524(a) of such title, in the administration of the limitation in such section for fiscal year 1994 with respect to commissioned officers of the Air Force serving on active duty in the grades of lieutenant colonel and colonel for duty referred to in that section, the numbers applicable to such commissioned officers are as follows:

(1) Lieutenant colonel, 636.

(2) Colonel, 274.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,711,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION.

(a) CREDIT UPON ORIGINAL APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(b) CREDIT UPON ORIGINAL APPOINTMENT AS RESERVE OFFICER IN THE ARMY.—Section 3353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in " at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(c) CREDIT UPON ORIGINAL APPOINTMENT AS OFFICER IN NAVAL RESERVE OR MARINE CORPS RESERVE.—Section 5600(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(d) CREDIT UPON ORIGINAL APPOINTMENT AS RESERVE OFFICER IN THE AIR FORCE.—Section 8353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "(including advanced education in a health profession)" in the first sentence after "One year for each year of advanced education";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

SEC. 502. ORIGINAL APPOINTMENT AS REGULAR OFFICERS CERTAIN RESERVE OFFICERS IN HEALTH PROFESSIONS.

Section 532 of title 10, United States Code, is amended by adding at the end the following:

"(e)(1) An original appointment as a commissioned officer (other than as a commissioned warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may given to a person referred to in paragraph (2) in accordance with subsection (a) without regard to the requirement in paragraph (2) of such subsection.

"(2) Paragraph (1) applies to a person who is a reserve commissioned officer of the Medical Corps, Medical Specialist Corps, Nurse Corps, or Veterinary Corps of the Army, a reserve commissioned officer in the Medical Corps or Nurse Corps of the Navy, or a reserve commissioned officer of the Air Force designated as a medical officer, biomedical science officer, or Air Force nurse.".

SEC. 503. TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

"§ 580a. Enhanced authority for selective early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the two-year period beginning on October 1, 1993, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant

officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33A of such title is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Effective as of September 29, 1993, section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

Subtitle B—Reserve Components

SEC. 511. LIMITED DELEGATION OF PRESIDENTIAL AUTHORITY TO ORDER SELECTED RESERVE TO ACTIVE DUTY.

(a) AUTHORITY TO ORDER THE SELECTED RESERVE TO ACTIVE DUTY.—Section 673b(a) of title 10, United States Code, is amended by striking out "when the President determines that it is necessary to augment the active forces for any operational mission, he" and inserting in lieu thereof "the President".

(b) MAXIMUM NUMBER SERVING ON ACTIVE DUTY CONCURRENTLY.—Section 673b(c) of such title is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), the number of members of the Selected Reserve that are on active duty at any one time under subsection (a) may not exceed 25,000.

"(2) When the President determines it necessary in order to augment the active forces for an operational mission, the number of members of the Selected Reserve that are on active duty at one time under subsection (a) may exceed 25,000 but may not exceed 200,000.".

SEC. 512. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) If the date of the enactment of this Act is after September 30, 1993, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 513. CONSISTENCY OF TREATMENT OF NATIONAL GUARD TECHNICIANS AND OTHER MEMBERS OF THE NATIONAL GUARD.

(a) FEDERAL RECOGNITION QUALIFICATIONS FOR TECHNICIANS.—Section 709 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title special qualifications applicable to technicians employed under subsection (a) that are not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

(b) MILITARY EDUCATION.—(1) Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1918, 1974; 32 U.S.C. 709 note) is repealed.

(2) Section 506 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1438; 32 U.S.C. 709 note) is repealed.

SEC. 514. EXCEPTION TO REQUIREMENT FOR 12 WEEKS OF BASIC TRAINING.

Section 671(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding paragraph (1) and section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)), under regulations prescribed in accordance with subparagraph (B), the Secretary concerned may establish a period of basic training (or equivalent training) shorter than 12 weeks for persons inducted, enlisted, or appointed in an armed force who have developed skills in the civilian sector that can be readily applied in the armed forces.

"(B) The Secretary of Defense shall prescribe regulations governing the implementation of the authority provided in subparagraph (A). The regulations shall apply uniformly to the military departments. The Secretary of Transportation shall prescribe regulations governing the implementation of the authority provided in subparagraph (A) for the Coast Guard when it is not operating as a service in the Navy.".

SEC. 515. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION REGARDING FEMALE MEMBERS OF THE MILITIA.—Section 311(a) of title 10, United States Code, is amended by inserting ", warrant officers, or enlisted members" after "female citizens of the United States who are commissioned officers".

(b) REPEAL OF REQUIREMENTS FOR PHYSICAL EXAMINATION OF NATIONAL GUARD MEMBERS CALLED INTO FEDERAL SERVICE.—(1)(A) Section 3502 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 341 of such title is amended by striking out the item relating to section 3502.

(2)(A) Section 8502 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 841 of such title is amended by striking out the item relating to section 8502.

(c) INCREASED PERIOD FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30 consecutive days" in the second sentence and inserting in lieu thereof "90 consecutive days".

(d) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF TECHNICIANS.—Subsection 709(e)(6) of title 32, United States Code, is amended by inserting after "termination of employment as a technician and" the following: ", unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment,".

(e) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS EMPLOYED CONCURRENTLY.—Subsection 709(h) of title 32, United States Code, is repealed.

(f) PERSONNEL AUTHORIZED TO MAKE UNSERVICEABILITY FINDINGS.—Subsection 710(f) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) in the first sentence, by striking out "of the Regular Army or the Regular Air Force, as the case may be,"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary shall designate a commissioned officer of the Regular Army, a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States, a commissioned officer of the Regular Air Force, or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States to conduct inspections and make findings for purposes of paragraph (1).".

SEC. 516. FREQUENCY OF PHYSICAL EXAMINATIONS OF MEMBERS OF THE READY RESERVE.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out "four years" and inserting in lieu thereof "five years".

Subtitle C—Service Academies

SEC. 521. CONGRESSIONAL NOMINATIONS.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are amended—

(1) in the sentence following paragraph (9), by striking out "a principal candidate and nine alternates" and inserting in lieu thereof "10 persons"; and

(2) by inserting after such sentence the following: "Nominees may be submitted without ranking, or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.".

SEC. 522. GRADUATION LEAVE.

Section 702(a) of title 10, United States Code, is amended by striking out "regular" in the first sentence.

SEC. 523. MANAGEMENT OF FACULTIES.

(a) IN GENERAL.—(1) Title 10, United States Code, is amended by inserting after chapter 111 the following new chapter:

"CHAPTER 112—MANAGEMENT OF FACULTIES OF THE SERVICE ACADEMIES

"Sec.
"2000. Academy defined.
"2000a. Faculty management.
"2000b. Requirement to report misconduct.

"§ 2000. Academy defined

"For purposes of this chapter, 'Academy' means the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy.

"§ 2000a. Faculty management

"(a) AUTHORITY OF SECRETARY OF DEFENSE.—The Secretary of Defense may, without regard to any other provision of law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian faculty of an Academy as the Secretary considers necessary to carry out the functions of the Academy;

"(2) appoint individuals to such positions; and

"(3) subject to section 5373 of title 5, fix the compensation of such individuals for service in such positions.

"(b) EXCLUSIVE AUTHORITY.—The authority of the Secretary to take an action under subsection (a) is exclusive.

"(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—To provide for the effective and efficient management of the civilian faculty of an Academy, such faculty shall be exempt from the following provisions of title 5:

"(1) Chapter 43, relating to performance appraisals.

"(2) Chapter 51, relating to classification.

"(3) Chapter 53, relating to pay rates and systems.

"(4) Section 5542, relating to overtime pay rates.

"(5) Chapter 61, relating to hours of work.

"§ 2000b. Requirement to report misconduct

"(a) REQUIREMENT.—Each officer and each civilian member of the teaching staff of an Academy shall report to the Superintendent of the Academy, or the Superintendent's designee, any fact that tends to evidence the commission of hazing or any violation of an Academy regulation by a cadet or midshipman.

"(b) FAILURE OF OFFICER TO REPORT.—Any officer who willfully fails to make a report required by subsection (a) shall be reassigned from duties involving the teaching or supervision of cadets or midshipmen and, at the request of the Superintendent, shall be reassigned from the Academy.

"(c) FAILURE OF CIVILIAN FACULTY MEMBER TO REPORT.—Subject to the approval of the Secretary of Defense, the Superintendent of an Academy shall remove any civilian member of the teaching staff of the Academy who willfully fails to make a report required by subsection (a).".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following:

"112. Management of faculties of the service academies ..... 2000".

(b) REPEAL OF SUPERSEDED LAW.—(1) Section 6965 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6965.

Subtitle D—Force Reduction Transition

SEC. 531. TEACHER AND TEACHER AIDE PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) REVISED DEADLINE FOR APPLICATIONS.—Section 1151(e)(1) of title 10, United States Code, is amended by striking out "before the date of the discharge or release" in the first sentence and inserting in lieu thereof "not later than one year after the discharge or release".

(b) DISCRETIONARY AUTHORITY TO MAKE GRANTS TO FACILITATE PLACEMENTS.—Paragraphs (1) and (2) of section 1151(h) of title 10, United States Code, are amended by striking out "shall offer" and inserting in lieu thereof "may offer".

(c) ELIGIBILITY OF MEMBERS NOT EDUCATIONALLY QUALIFIED FOR TEACHER PLACEMENT ASSISTANCE.—Section 1151 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within 5 years after discharge or release from active duty.";

(2) in subsection (e)(1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the applicant becomes educationally qualified.";

(3) by redesignating subsection (k) as subsection (l); and

(4) by inserting after subsection (j) the following new subsection (k):

"(k) IDENTIFICATION OF NCOs WITHOUT DEGREES AS CANDIDATES FOR ASSISTANCE.—The Secretary shall provide under the program for—

"(1) identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance; and

"(2) informing the noncommissioned officers so identified of the opportunity to qualify in accordance with subsection (c)(2) for teacher placement assistance under the program.".

SEC. 532. EXTENSION OF PERSONNEL MANAGEMENT AND BENEFITS TRANSITION AUTHORITIES.

(a) RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.—Sections 633, 634, 6383(a)(5), and 6383(i) of title 10, United States Code, are amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(b) EARLY RETIREMENT AUTHORITY FOR CERTAIN ACTIVE DUTY MEMBERS DURING ACTIVE FORCE DRAWDOWN.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2704; 10 U.S.C. 1293 note) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(c) GUARD AND RESERVE TRANSITION INITIATIVES.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2712; 10 U.S.C. 1162 note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "October 1, 1998".

(d) WAIVER OF SERVICE REQUIREMENT FOR CERTAIN RESERVISTS UNDER MONTGOMERY GI BILL.—Section 2133(b)(1)(B) of title 10, United States Code, and section 3012(b)(1)(B)(iii) of title 38, United States Code, are amended by striking out "September 30, 1995," and inserting in lieu thereof in each instance "October 1, 1998".

(e) PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1143a note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "October 1, 1998".

(f) SPECIAL SEPARATION BENEFITS FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS.—Section 1174a(h) of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1998".

(g) VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (d)(3) and (h)(6), by striking out "September 30, 1995" each place it appears and inserting in lieu thereof "September 30, 1998"; and

(2) in subsection (h)(7)(A), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1999".

(h) UNIFORM PROCESS FOR IMPLEMENTING REDUCTIONS IN STRENGTHS.—Section 402(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1544) is amended by striking out "five-year period" each place it appears and inserting in lieu thereof "eight-year period".

(i) TRAVEL AND TRANSPORTATION ALLOWANCES AND STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN MEMBERS BEING INVOLUNTARILY SEPARATED.—(1) Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v) and 406(g)(1)(C) of title 37, United States Code, are amended by striking out "five-year period" and inserting in lieu thereof in each instance "eight-year period".

(2) Section 503(c) of the National Defense Act Authorization Act for Fiscal Year 1991 (Public Law 101-510; 37 U.S.C. 406 note) is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(j) CONTINUED ENROLLMENT OF DEPENDENTS OF CERTAIN INVOLUNTARILY SEPARATED MEMBERS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)) is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(k) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

(l) REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are amended by striking out "five-year period" and inserting in lieu thereof "eight-year period".

SEC. 533. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO TRANSITION AUTHORITIES.

(a) RETENTION ON ACTIVE DUTY OF ENLISTED RESERVES WITH BETWEEN 18 AND 20 YEARS OF SERVICE.—Section 1176(b) of title 10, United States Code, is amended to read as follows:

"(b) RESERVE MEMBERS.—(1) A reserve enlisted member serving in an active status who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged or transferred from an active status is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged or transferred from an active status without the member's consent before the earlier of the following:

"(A) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(i) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(ii) the third anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(B) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(i) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 if this title; or

"(ii) the second anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(2) This subsection does not apply to members who are discharged or transferred from an active status for physical disability or for cause.".

(b) AUTHORITY TO ORDER EARLY RETIREES TO ACTIVE DUTY.—Section 688(a) of title 10, United States Code, is amended in the first sentence—

(1) by striking out "or" after "20 years of active service,"; and

(2) by inserting ", or a member of the Retired Reserve, the Fleet Reserve, or the Fleet Marine Corps Reserve who has been retired under the provisions of section 4403(b) of Public Law 102-484" after "Fleet Marine Corps Reserve".

Subtitle E—Other Matters

SEC. 541. ASSIGNMENTS OF WOMEN MEMBERS OF THE ARMED FORCES.

(a) REPEAL OF STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is repealed.

(b) ARMY ASSIGNMENTS.—(1) Part II of subtitle B of title 10, United States Code, is amended by inserting after chapter 345 the following new chapter:

"CHAPTER 346—ADMINISTRATION

"3591. Assignments of women members.

"§ 3591. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Army may prescribe the kinds of duties which women members of the Army shall be assigned and the military authority which such members shall exercise.".

(2) The tables of chapters at the beginning of subtitle B of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 345 the following:

"346. Administration ..... 3591".

(c) NAVY AND MARINE CORPS ASSIGNMENTS.—(1) Chapter 555 of title 10, United States Code, is amended by inserting after section 6014 the following new section 6015:

"§ 6015. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy may prescribe the kinds of duties which women members of the Navy and women members of the Marine Corps shall be assigned and the military authority which such members shall exercise.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 6015 and inserting in lieu thereof the following:

"6015. Assignments of women members.".

(d) AIR FORCE ASSIGNMENTS.—(1) Part II of subtitle D of title 10, United States Code, is amended by inserting after chapter 845 the following new chapter:

"CHAPTER 846—ADMINISTRATION

"3691. Assignments of women members.

"§ 8591. Assignments of women members

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may prescribe the kinds of duties which women members of the Air Force shall be assigned and the military authority which such members shall exercise.".

(2) The tables of chapters at the beginning of subtitle D of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 845 the following:

"846. Administration ..... 8591".

(e) NOTIFICATION REQUIREMENTS.—(1)(A) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives, on a day during which Congress is in session, any regulation that the Secretary proposes for the purposes of section 3591, 6015, or 8591 of title 10, United States Code, as added by this section. The Secretary may not issue the proposed regulation (or any modification of the proposed regulation) as a final regulation within the 60-day period beginning on the date on which the Secretary transmits the proposed regulation to such committees.

(B) For purposes of subparagraph (A), Congress is in session on a day during which either House of Congress is in session.

(C) A day on which both Houses of Congress are not in session shall not be counted in the computation of the 60-day period referred to in subparagraph (A).

(2) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives any regulation that the Secretary issues as a final regulation for the purposes of section 3591, 6015, or 8591 of title 10, United States Code, as added by this section. The final regulation may not become effective within the 90-day period beginning on the date on which the Secretary transmits the final regulation to such committees.

SEC. 542. REDUCTION IN THE MAXIMUM NUMBER OF YEARS TO BE ON TEMPORARY DISABILITY RETIRED LIST.

(a) IN GENERAL.—(1) Section 1210(b) of title 10, United States Code, is amended by striking out "five years" in the first sentence and inserting in lieu thereof "three years".

(2) Section 1210(h) of title 10, United States Code, is amended by striking out "five years" and inserting in lieu thereof "three years".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a member of the Armed Forces who is placed on a temporary disability retired list on or after such date.

SEC. 543. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) CLARIFICATION.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places it appears.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102-484 on October 23, 1992.

SEC. 544. AUTHORITY TO REDUCE ACTIVE DUTY SERVICE OBLIGATION INCURRED IN CONNECTION WITH ADVANCED EDUCATION ASSISTANCE.

Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary concerned, may at any time before October 1, 1998, modify an agreement described in subsection (a) to reduce the active duty service obligation specified in the agreement if the Secretary determines that it is in the best interests of the United States to do so. The Secretary shall reduce the amount required to be reimbursed to the United States proportionately with the reduction in the period of obligated active duty service.".

SEC. 545. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

SEC. 546. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 654. Policy concerning homosexuality in the armed forces

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

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of

regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 547. EMPLOYMENT OF RETIRED MEMBERS BY FOREIGN GOVERNMENTS.

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

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONGRESSIONAL CONSENT.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired personnel with newly democratic nations

"(a) CONGRESSIONAL CONSENT.—(1) Subject to subsection (b), Congress consents to a retired member of the uniformed services referred to in subsection (b)—

"(A) accepting employment by, or holding an office or position in, the armed forces of a newly democratic nation; and

"(B) accepting compensation associated with such employment, office, or position.

"(b) DETERMINATIONS AND APPROVAL REQUIRED.—(1) The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(2) The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member of the armed forces only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member of the uniformed services to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(d) RETIRED MEMBER DEFINED.—In this section, the term 'retired member of the uniformed services' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired personnel with newly democratic governments.".

(c) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

Subtitle B—Bonuses, Special Pay, and Incentive Pay

SEC. 611. MODIFICATION OF AUTHORITY RELATING TO PAYMENT OF CERTAIN SELECTED RESERVE BONUSES.

(a) BONUS FOR ENLISTMENT.—Section 308c(b) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount in excess of one-half of the bonus may be paid"; and

(2) in paragraph (2), by inserting ", if any," after "remainder".

(b) BONUS FOR ENTRY INTO AFFILIATION AGREEMENT.—Section 308e(c)(2) of title 37, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by designating the second sentence as subparagraph (B);

(3) in subparagraph (B), as so designated, by striking out "fifth anniversary" and inserting in lieu thereof "sixth anniversary"; and

(4) by adding at the end the following:

"(C) The Secretary concerned may pay in monthly installments a bonus authorized to be paid in a lump sum under this section. The Secretary concerned may determine the amount of the monthly installments. The Secretary concerned may pay a monthly installment authorized under this subparagraph for a month only if the person's service in the Selected Reserve for that month was satisfactory (as determined by such Secretary under regulations prescribed by the Secretary of Defense). The entitlement of a person to a portion of a bonus under this section that is not paid for a month by reason of the preceding sentence shall lapse.".

SEC. 612. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF CERTAIN BONUSES, PAYMENT OF OTHER SPECIAL PAY, AND REPAYMENT OF CERTAIN EDUCATION LOANS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(d) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(g) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(h) RESERVE ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g) and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(i) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALIST IN THE SELECTED RESERVE.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(j) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1995".

(k) ARMY ENLISTMENT BONUS.—(1) Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1992.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REIMBURSEMENT OF TEMPORARY LODGING EXPENSES.

(a) PERIODS COVERED.—Subsection (a) of section 404a of title 37, United States Code, is amended—

(1) in the second sentence, by striking out "four days" and inserting in lieu thereof "10 days"; and

(2) in the third sentence, by striking out "two days" and inserting in lieu thereof "five days".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Subsection (d) of such section is repealed.

SEC. 622. TREATMENT OF ADVANCE PAY PAID TO MEMBERS EVACUATED FROM HOMESTEAD AIR FORCE BASE.

Notwithstanding any other provision of law, the advance payments of pay for permanent change of station that were received by members of the uniformed services evacuated in August, 1992, from Homestead Air Force Base, Florida, because of Hurricane Andrew, shall be treated as having been paid as evacuation advance pay under the authority of section 1006(c) of title 37, United States Code.

Subtitle D—Matters Related to Retired Pay and Separation Benefits

SEC. 631. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid a special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

SEC. 632. STANDARDIZATION OF MINIMUM SERVICE REQUIREMENT FOR ELIGIBILITY FOR CERTAIN SEPARATION BENEFITS.

Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

SEC. 633. EXPANSION OF ELIGIBILITY FOR CERTAIN SEPARATION BENEFITS.

(a) SPECIAL SEPARATION BENEFITS PROGRAMS.—Section 1174a(c)(2) of title 10, United States Code, is amended by striking out "before December 5, 1991".

(b) VOLUNTARY SEPARATION INCENTIVE PROGRAM.—Section 1175(d)(1) of title 10, United States Code, is amended by striking out "before December 5, 1991".

SEC. 634. APPLICABILITY TO COAST GUARD RESERVE OF CERTAIN RESERVE COMPONENTS TRANSITION INITIATIVES.

(a) IN GENERAL.—Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2712) shall apply to members of the Coast Guard Reserve in the same manner and to the same extent as that subtitle applies to the reserve components of the Department of Defense. The Secretary of Transportation shall implement the provisions of that subtitle with respect to the Coast Guard Reserve.

(b) FUNDING.—Funds made available to the Department of Transportation shall be used to carry out the provisions of subtitle B of title XLIV of such Act with respect to the Coast Guard Reserve.

(c) PERIOD OF APPLICABILITY.—The provisions of subtitle B of title XLIV of such Act shall apply to members of the Coast Guard Reserve during the period beginning October 1, 1993, and ending on September 30, 1996.

(d) PROSPECTIVE ELIGIBILITY.—No member of the Coast Guard Reserve shall be eligible for any benefits provided under the provisions of subtitle B of title XLIV of such Act before the date of the enactment of this Act.

(e) SCOPE OF REFERENCE.—In this section, a reference to subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 includes the amendments made by sections 4417, 4419, and 4422 of such Act.

Subtitle E—Benefits for Former POWs and Other Members Held Captive

SEC. 641. PERMANENT AUTHORITY FOR CLAIMS BY FORMER PRISONERS OF WAR BASED ON VIOLATIONS OF GENEVA CONVENTIONS.

Section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g)(1) As used in the subsection, the term 'prisoner of war' means any person appointed, enrolled, enlisted, or inducted under competent authority as a member of the Armed Forces of the United States who was held in captivity as a prisoner of war during any period declared by the President or Congress to have been a period in which the Armed Forces were involved in conflict with a force hostile to the United States, except that such term does not include any member who, at any time, voluntarily, knowingly, and without duress gave aid to, collaborated with, or in any manner served such hostile force.

"(2)(A) The Commission may receive any claim referred to in subparagraph (B), determine the amount and validity of such claim according to law, and provide for payment of compensation for such claim.

"(B) A claim referred to in this subparagraph is any claim filed by a prisoner of war for compensation for the failure of a force hostile to the United States, or its agents, while holding such person as a prisoner of war, to furnish the prisoner of war with the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949.

"(C) A claimant shall bear the burden of proving the allegations contained in the claim.

"(D) Compensation shall be provided to any prisoner of war under this paragraph at the rate (as determined by the Commission) of one-half the average of the subsistence portion of the per diem rates paid worldwide by the Government to members of the Armed Forces for each day that the person was held as a prisoner of war and received food that, in quantity or quality, did not meet the requirements prescribed under the terms of the Geneva Convention.

"(3)(A) The Commission may receive, determine according to law the amount and validity of, and provide for the payment of any claim filed by any prisoner of war for compensation—

"(i) for the failure of a force hostile to the United States, or its agents, while holding such person as a prisoner of war, to meet the conditions and requirements prescribed under part III, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

"(ii) for inhumane treatment of the prisoner of war by the hostile force by which the prisoner of war was held, or its agents.

"(B) For purposes of subparagraph (A)(ii), the term 'inhumane treatment' includes the failure of a force hostile to the United States, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

"(C) Compensation shall be allowed to any prisoner of war under this paragraph at a rate not to exceed an amount equal to—

"(i) one-half of the average of the per diem rates paid worldwide by the Federal Government to members of the Armed Forces, minus

"(ii) one-half of the average of the subsistence portion of the per diem rates paid worldwide by the Federal Government to members of the Armed Forces,

for each day the person was held as a prisoner of war and with respect to which the person proves (in a manner acceptable to the Commission) the failure by a hostile force, or its agents to meet the conditions and requirements referred to in clause (i) of subparagraph (A) or proves (in a manner acceptable to the Commission) the inhumane treatment referred to in clause (ii) of such subparagraph (A).

"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to paragraph (10). Such claim shall be paid by the Secretary of the Treasury to the person entitled thereto, or, in the case of the death of such person, to the persons, and in the order of priority, established under subsection (d)(4).

"(5) Each claim filed under this subsection shall be filed not later than 3 years after the later of—

"(A) the date on which the prisoner of war filing the claim returns to the jurisdiction of the Armed Forces of the United States; or

"(B) in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States, the date on which the Secretary of Defense makes a determination that the prisoner of war has died or is presumed to be dead.

"(6)(A) The Commission shall make a determination with respect to the validity of each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which the claim is filed.

"(B) The Commission shall notify the person submitting a claim under this subsection of the determination of the Commission with respect to the validity of the claim. Such notification shall be sent by certified or register mail, return receipt requested.

"(C) The failure of the Commission to make a determination of the validity of a claim within the one year period referred to in subparagraph (A), such be treated as a final denial of the claim by the Commission on that date.

"(7)(A) A claimant whose claim under this section was denied by the Commission (including a claimant whose claim is treated as denied under paragraph (6)(C)) may file in the United States Court of Federal Claims a complaint, motion, petition, or other appropriate pleading with the United States Court of Federal Claims alleging that the denial of such complaint was wrongful.

"(B) The claimant shall file such complaint, motion, petition, or other pleading

not later than 2 years after the date of such final denial.

"(C) The Attorney General of the United States may arbitrate or settle by compromise or other settlement any claim cognizable under this subsection. Any such settlement is not competent evidence of liability or damages.

"(D) The amount of a settlement, judgment, or award in favor of a claimant under this paragraph may not exceed the amount sought by the claimant in the claim before the Commission on which an action under this paragraph is based unless the claimant alleges and proves facts not available or reasonably discoverable at the time of the determination of the validity of such claim by the Commission that justify the award of an amount in excess of such amount.

"(E) Not more than 20 percent of the amount awarded under this paragraph to a claimant may be paid by or on behalf of the claimant to any attorney or agent for services rendered in connection with a claim under this paragraph.

"(8) The acceptance by a person of compensation or other award provided for or paid under this subsection shall constitute a full and complete release of any claim of the person against the United States by reason of any allegation stated in the claim.

"(9) Any claim allowed under the provisions of this subsection including claims allowed by the Court of Federal Claims shall be paid from funds appropriated pursuant to the authorization of appropriations in paragraph (10).

"(10) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including any amounts necessary for administrative expenses of the Commission.".

SEC. 642. MEMBERS ELIGIBLE FOR BENEFITS WHEN HELD CAPTIVE BY TERRORISTS.

(a) IN GENERAL.—Section 559(a)(1) of title 37, United States Code, is amended by striking out "if Congress provides to such a member, in an Act enacted after August 27, 1986, monetary payment in respect of such period of captivity".

(b) CLERICAL AMENDMENTS.—(1) The heading of section 559 of such title is amended to read as follows:

"§ 559. Benefits: members held as captives; victims of terrorist acts".

(2) The table of sections at the beginning of chapter 10 of such title is amended by striking out the item relating to section 559 and inserting in lieu thereof the following:

"559. Benefits: members held as captives; victims of terrorist acts.".

Subtitle F—Other Matters

SEC. 651. AUTHORITY TO LIMIT DIRECT PAYMENT OF PAY AND ALLOWANCES TO CERTAIN MEMBERS DURING WAR, HOSTILITIES, OR NATIONAL EMERGENCY.

(a) IN GENERAL.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end the following:

"§ 1015. Pay and allowances: limit on direct payment during period of war, hostilities, or national emergency

"(a) AUTHORITY TO LIMIT DIRECT PAYMENT.—The Secretary concerned may limit the direct payment of pay and allowances, or a portion thereof, to a member of the uniformed services serving on active duty in an area designated by the Secretary of Defense for the purposes of this subsection during a war, hostilities, or a national emergency declared by the President or Congress.

"(b) ALTERNATIVE PAYMENT AUTHORITY.—Any amount of pay and allowances due a member described in subsection (a) but not paid directly to such member by reason of the exercise of the authority provided in such subsection may, as directed by the member pursuant to regulations prescribed by the Secretary concerned—

"(1) be paid through allotments or assignments made by the member; or

"(2) be credited to the account of the member and paid to the member upon—

"(A) the end of the period referred to in subsection (a); or

"(B) the departure of the member from an area referred to in such subsection.

"(c) PROMPT PAYMENT REQUIREMENT.—The Secretary concerned shall ensure prompt payment of any pay and allowance due to be paid a member under subsection (b)(2)(B).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1015. Pay and allowances: limit on direct payment during period of war, hostilities, or national emergency.".

(b) CONFORMING AMENDMENT.—Section 1005 of such title is amended by striking out "Members" and inserting in lieu thereof "Except as provided in section 1015 of this title, members".

SEC. 652. LOSSES INCURRED AND GAINS REALIZED IN CONNECTION WITH HOUSING MEMBERS IN PRIVATE HOUSING ABROAD.

(a) PAYMENT OF LOSSES AND RECOUPMENT OF GAINS.—Section 405(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may, under such regulations as such Secretary may prescribe, make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Nonrecurring expenses for which a member may be reimbursed under this paragraph include losses sustained by the member on the refund of a rental deposit (or other deposit made by the member to secure housing) as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which such housing is located. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).

"(2) The Secretary concerned may recoup the full amount of a refunded deposit referred to in paragraph (1) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

SEC. 653. POSTPONEMENT OF PERFORMANCE OF CERTAIN TAX-RELATED ACTS FOR CERTAIN PERSONS SERVING IN CONTINGENCY OPERATIONS.

Section 7508(f) of the Internal Revenue Code of 1986 is amended to read as follows:

"(f) TREATMENT OF INDIVIDUALS PERFORMING CONTINGENCY OPERATION SERVICE.—

"(1) IN GENERAL.—Any individual who performs contingency operation service (and the spouse of such individual) shall be entitled to the benefits of this section in the same manner as if such service were service referred to in subsection (a).

"(2) CONTINGENCY OPERATION SERVICE.—For the purposes of this subsection, the term 'contingency operation service' means any service in the Armed Forces or in support of the Armed Forces if—

"(A) such service is performed in an area designated by the Secretary of Defense pursuant to regulations prescribed by the Secretary under this paragraph as a contingency operation area; and

"(B) such services are performed during a contingency operation (as such term is defined in section 101(a)(13) of title 10, United States Code.".

SEC. 654. BENEFITS FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES PENDING LOSS OF RIGHT TO RETIRED PAY AS A RESULT OF A COURT-MARTIAL.

(a) PAYMENT REQUIRED.—Subsection (h) of section 1408 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

"(10)(A) For purposes of this subsection, in the case of a member of the armed forces who has been sentenced by a court-martial to receive a punishment that will terminate the eligibility of that member to receive retired pay if executed, the eligibility of that member to receive retired pay shall be considered terminated effective upon the approval of that sentence by the court-martial convening authority.

"(B) If each form of the punishment that would result in the termination of eligibility to receive retired pay is later remitted, set aside, or mitigated to a punishment that does not result in the termination of that eligibility, a payment of benefits to the eligible recipient under this subsection that is based on the punishment so vacated, set aside, or mitigated shall cease. The cessation of payments shall be effective as of the first day of the first month following the month in which the Secretary of the military department concerned notifies the recipient of such benefits in writing that payment of the benefits will cease. The recipient may not be required to repay the benefits received before that effective date (except to the extent necessary to recoup any amount that was erroneous when paid).".

(b) ADMINISTRATION FOR THE COAST GUARD.—Subsection (h) of such section is amended—

(1) in paragraph (2)(A), by inserting after "Secretary of Defense" the following: "or, for the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation"; and

(2) in paragraph (8), by inserting before the period at the end the following: "or, in the case of the Coast Guard, out of funds appropriated to the Department of Transportation for payment of retired pay for the Coast Guard".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 23, 1992, and shall apply as if the provisions of the paragraph (10) of section 1408(h) of title 10, United States Code, added by such subsection were included in the amendment made by section 653(a)(2) of Public Law 102-484 (106 Stat. 2426).

SEC. 655. SENSE OF SENATE RELATING TO EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—(1) It is the sense of the Senate that the Secretary of Defense ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the

member be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(2) In this subsection, the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) REPORT ON AREAS OF INEQUITABLE TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense submit a report to Congress—

(1) describing all provisions of law concerning pay and allowances for members of the Armed Forces in which members whose homes of record are outside the continental United States receive different treatment than members whose homes of record are in the continental United States; and

(2) containing recommendations to equalize such treatment.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. EXTENSION AND REVISION OF SPECIALIZED TREATMENT FACILITY PROGRAM AUTHORITY.

(a) AUTHORITY.—(1) Section 1105 of title 10, United States Code, is amended to read as follows:

"§ 1105. Specialized treatment facility program

"(a) PROGRAM AUTHORIZED.—The Secretary of Defense, in consultation with the other administering Secretaries, may conduct a specialized treatment facility program.

"(b) FACILITIES AUTHORIZED TO BE USED.—Under the program, the Secretary may designate health care facilities of the uniformed services and civilian health care facilities as specialized treatment facilities.

"(c) WAIVER OF NONEMERGENCY HEALTH CARE RESTRICTION.—Under the program, the Secretary of Defense may waive, with regard to the provision of a particular service, the 40-mile radius restriction set forth in section 1079(a)(7) of this title if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service.

"(d) CIVILIAN FACILITY SERVICE AREA.—For purposes of the program, the service area of a civilian health care facility designated pursuant to subsection (b) shall be comparable in size to the service areas of facilities of the uniformed services.

"(e) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—Under the program, a commanding officer of a facility of the uniformed services, in determining whether to issue a nonavailability of health care statement for a person entitled to health care in facilities of the uniformed services under this chapter, may consider the availability of health care services for such person pursuant to any contract or agreement entered into under this chapter for the provision of health care services.

"(f) PAYMENT OF COSTS RELATED TO CARE IN SPECIALIZED TREATMENT FACILITIES.—(1) Subject to paragraph (2), the Secretary of Defense, in connection with the treatment of a covered beneficiary under the program, may provide the following benefits:

"(A) Full or partial reimbursement of a member of the uniformed services for the reasonable expenses incurred by the member in transporting a covered beneficiary to or from a health care facility of the uniformed services or a civilian health care facility at which specialized health care services are provided pursuant to this chapter.

"(B) Full or partial reimbursement of a person (including a member of the uniformed services) for the reasonable expenses of transportation, temporary lodging, and meals (not to exceed a per diem rate determined in accordance with implementing regulations) incurred by such person in accompanying a covered beneficiary as a nonmedical attendant to a health care facility referred to in subparagraph (A).

"(C) In-kind transportation, lodging, or meals instead of reimbursements under subparagraph (A) or (B) for transportation, lodging, or meals, respectively.

"(2) The Secretary may make reimbursements or provide transportation, lodging, and meals under paragraph (1) in the case of a covered beneficiary only if the total cost to the Department of Defense of doing so and of providing the health care in such case is less than the cost to the Department of providing the health care to the covered beneficiary by other means authorized under this chapter.

"(3) In this subsection, the term 'covered beneficiary' means a person entitled to health care under this chapter.

"(g) REGULATIONS.—The Secretary of Defense, after consulting with the other administering Secretaries, shall prescribe regulations to carry out the specialized treatment facility program authorized in this section.

"(h) EXPIRATION OF PROGRAM.—The authority under this section shall expire at the end of September 30, 1995.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1105 and inserting in lieu thereof the following:

"1105. Specialized treatment facility program.".

(b) CONFORMING AMENDMENT.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that—" and all that follows and inserting in lieu thereof the following: "except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services;".

SEC. 702. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following:

"(o)(1) The Secretary of Defense may not provide a health care service under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) if such service is determined not medically or psychologically necessary by a peer review board acting under the CHAMPUS Peer Review Organization program.

"(2) The Secretary of Defense may, after consulting with the other administering Secretaries, adopt or adapt for use under the CHAMPUS Peer Review Organization program, as the Secretary considers appropriate, any of the quality and utilization review requirements and procedures that are utilized by the Peer Review Organization program under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).".

SEC. 703. FLEXIBLE DEADLINE FOR COMMENCEMENT OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.

Section 713(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2435; 10 U.S.C. 1073 note) is amended by inserting ", or as soon thereafter as is practicable" after "August 1, 1993".

SEC. 704. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 31, 1993" in the first sentence and inserting in lieu thereof "December 31, 1998".

SEC. 705. EXCLUSION OF EXPERIENCED MILITARY PHYSICIANS FROM MEDICARE DEFINITION OF NEW PHYSICIAN.

(a) CHARGES IN RURAL AREAS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1842(b)(4)(F)(i) of the Social Security Act (42 U.S.C. 1395u(b)(4)(F)(i)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any health care practitioner who before the practitioner's first year of practice has served at least four years as a health care practitioner in one of the uniformed services.".

(b) CHARGES BY NEW PHYSICIANS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1848(a)(4) of the Social Security Act (42 U.S.C. 1395w-4(a)(4)) is amended by inserting ", or to any physician who before the practitioner's first year of practice has served at least four years as a physician in one of the uniformed services" before the period at the end of the second sentence.

SEC. 706. ENROLLMENT IN THE DEPENDENTS' DENTAL PROGRAM BY CERTAIN MEMBERS RETURNING FROM OVERSEAS ASSIGNMENTS.

(a) IN GENERAL.—The Secretary of Defense shall revise the regulations applicable to the dependents' dental program established under section 1076a of title 10, United States Code, and the provisions of dental benefits plans established under that program, to the extent necessary to permit members of the uniformed services described in subsection (b) to enroll in a dental benefits plan under such program without regard to the length of the uncompleted portion of the member's period of obligated service.

(b) COVERED MEMBERS.—Subsection (a) applies with respect to a member of the uniformed services referred to in the first sentence of section 1076a(a)(1) of title 10, United States Code, who is reassigned from a permanent duty station where a dental benefits plan referred to in subsection (a) is not available to a permanent duty station where such a plan is available.

SEC. 707. SENSE OF SENATE ON THE PROVISION OF ADEQUATE MEDICAL CARE TO MILITARY RETIREES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should encourage increased use of physicians, dentists, and other health care professionals in the reserve components of the Armed Forces of the United States in order to provide retired military personnel with care under section 1074(b) of title 10, United States Code, while such members of the reserve components are performing active duty, full-time National Guard duty, or inactive-duty training consistent with other military training requirements.

(b) DEFINITIONS.—In this section:

(1) The term "retired military personnel" means persons who are eligible for medical and dental care under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard training", and "inactive-duty training" have the meaning given such terms in section 101(d) of such title.

SEC. 708. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory in Alaska. The series of medical studies

referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold, and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) CONDUCT OF REQUIRED STUDY.—The study referred to in subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the study either—

(1) by entering into an agreement with an independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government funds to carry out the study in accordance with subsection (b).

(d) REPORT.—The Secretary of Defense or the head of the department or agency of the Federal Government carrying out the study shall submit to Congress a report on the results of the study. The report shall, at a minimum, include the following matters:

(1) Whether the series of studies referred to in subsection (a) was conducted in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1994, $150,000 for carrying out the study referred to in subsection (a).

TITLE VIII—ACQUISITION POLICY

Subtitle A—Defense Technology and Industrial Base, Reinvestment, and Conversion

SEC. 801. MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2525. Manufacturing Science and Technology Program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Manufacturing Science and Technology program. The Director of Defense Research and Engineering shall administer the program.

"(b) PURPOSE.—It shall be the purpose of the program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.

"(c) COMPONENTS.—The Secretary of Defense shall ensure that programs for manufacturing science and technology are established in the military departments, the Office of the Secretary of Defense, and the Defense Logistics Agency.

"(d) COMPETITION AND COST SHARING.—(1) Competitive procedures shall be used for awarding all contracts, grants, and cooperative agreements under the program.

"(2) At least 50 percent of the contracts, grants, and cooperative agreements shall be awarded on the basis of cost sharing arrangements involving significant contributions to the cost of the project from non-Federal Government sources.

"(3) A contract, grant, or cooperative agreement may not be awarded under this program on any basis other than a cost-shared basis unless the Secretary of Defense determines that the contract, grant, or cooperative agreement is for a program that—

"(A) is not likely to have immediate and direct commercial applications; or

"(B) is of sufficiently high risk to discourage cost sharing by non-Federal Government sources.

"(e) REVIEW AUTHORITY.—The Secretary of Defense may review any project proposed by the Congress to be awarded under the program on a basis that is inconsistent with paragraphs (1) and (2) of subsection (d) and may cancel any such project that the Secretary finds not to be in support of the national security requirements of the United States.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following:

"2525. Manufacturing Science and Technology Program.".

(b) FUNDING.—Of the amounts authorized to be appropriated under section 201, not more than $301,033,000 shall be available for the Manufacturing Science and Technology Program under section 2525 of title 10, United States Code (as added by subsection (a)), of which—

(1) not more than $20,000,000 shall be available for the Army;

(2) not more than $50,000,000 shall be available for the Navy;

(3) not more than $60,000,000 shall be available for the Air Force; and

(4) not more than $171,033,000 shall be available for the Defense Agencies.

SEC. 802. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, through the Director of Defense Research and Engineering, shall establish a University Research Initiative Support Program.

(b) PURPOSE.—Under the program, the Director shall award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of $1,000,000 in grants and contracts from the Department of Defense in the two fiscal years before the fiscal year in which the institution submits a proposal for such grant or contract.

(d) COMPETITION REQUIRED.—The Director shall use competitive procedures in awarding grants and contracts under the program.

(e) PROGRAM REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall prescribe directives for carrying out the program. The directives shall require a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code, and shall require that each person selected to participate in such a merit-based selection process be a member of the faculty or staff of an institution of higher education that is a member of the National Association of State Universities and Land Grant Colleges or the American Association of State Colleges and Universities.

(f) FUNDING.—Of the amounts authorized to be appropriated under section 201, not more than $50,000,000 shall be available for the University Research Initiative Support Program.

SEC. 803. OPERATING COMMITTEE OF THE CRITICAL TECHNOLOGIES INSTITUTE.

Section 822(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686(c)) is amended to read as follows:

"(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of five members as follows:

"(A) The Director of the Office of Science and Technology Policy, who shall chair the committee.

"(B) The Director of the National Institutes of Health.

"(C) The Director of the National Institute for Standards and Technology.

"(D) The Director of the Advanced Research Projects Agency.

"(E) The Under Secretary of Energy having responsibility for science and technology matters.

"(2) The Operating Committee shall meet not less than four times each year.".

SEC. 804. TARGETING DEFENSE CONVERSION FUNDS.

It is the sense of Congress that—

(1) defense conversion funds, including funds for community assistance and dislocated personnel, should serve to relieve distress in areas of the country that are the most adversely affected by reduced spending for national defense and by military base closures;

(2) in the determinations of whether applicants for defense conversion assistance meet applicable cost-sharing requirements, all non-Federal funds, including funds from States and from local sources, should be considered;

(3) by April 30, 1994 (with respect to activities during the first half of fiscal year 1994) and by October 31, 1994 (with respect to activities during the second half of fiscal year 1994), the Secretary of Defense should submit to Congress a report setting forth—

(A) the geographic distribution of the sources of all proposals received for defense conversion assistance and the geographic distribution of the defense conversion assistance awarded (in order to indicate the extent to which the policy in paragraph (1) is being carried out); and

(B) the number of proposals for defense conversion assistance received from small businesses and the number of awards of defense conversion assistance to small businesses (in order to provide a basis for determining whether sufficient opportunities exist for small businesses to receive an appropriate portion of defense conversion funds and whether the cost-sharing requirements for small businesses should be reduced); and

(4) by January 1, 1994, the Secretary of Defense should—

(A) submit to Congress any recommendations that, taking into consideration the experience with providing defense conversion assistance during fiscal year 1993, the Secretary considers appropriate regarding—

(i) what share of the costs of participating in a defense conversion program should be borne by non-Department of Defense sources; and

(ii) what, if any, changes should be made in the laws providing authority for defense conversion programs; and

(B) prescribe regulations to provide full credit for in-kind contributions of non-Department of Defense sources for purposes of

defense conversion program cost-sharing requirements.

SEC. 805. SMALL BUSINESS PARTICIPATION.

(a) DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) SMALL BUSINESS PARTICIPATION.—(1) The Secretary shall ensure that small businesses and consortia involving one or more small businesses are afforded an opportunity to participate in the partnerships program.

"(2) The Secretary shall conduct seminars or similar programs for small businesses in order to disseminate information regarding the partnerships program widely to small businesses.

"(3) The Secretary shall establish a goal that at least 15 percent of the total amount appropriated for a fiscal year for partnerships under this section be expended for partnerships that involve small businesses or consortia involving one or more small businesses.

"(4) In this section, the term 'small business' has the meaning given the term 'small business concern' pursuant to section 3 of the Small Business Act (15 U.S.C. 632).".

(2) Not later than the date on which the President submits to Congress the budget for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a plan for achieving the goal required by subsection (g)(3) of section 2511 of title 10, United States Code, as added by paragraph (1)(B).

(b) SBA MEMBERSHIP ON THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Administrator of the Small Business Administration.".

Subtitle B—Acquisition Assistance Programs

SEC. 811. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) SCOPE OF REFERENCE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Subparagraph (B) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(B) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986;".

(b) DEFINITION OF MINORITY INSTITUTION.—Subparagraph (C) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(C) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1)) of such Act (20 U.S.C. 1059c(b)(1)).".

(c) AWARD ELIGIBILITY.—Section 2323(f)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of Defense shall prescribe regulations that prohibit awarding a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

(d) IMPLEMENTING REGULATIONS.—(1) The Secretary of Defense shall propose amendments to the Department of Defense Supplement to the Federal Acquisition Regulation that address the matters described in subsection (g) and subsection (h)(2) of section 2323 of title 10, United States Code.

(2) Not later than 15 days after the date of the enactment of this Act, the Secretary shall publish such proposed amendments in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). The Secretary shall provide a period of at least 60 days for public comment on the proposed amendments.

(3) The Secretary shall publish the final regulations not later than 120 days after the date of the enactment of this Act.

(e) FUNDING.—(1) Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

(2) Of the amount made available pursuant to paragraph (1), not more than $1,000,000 may be used to provide infrastructure assistance of the types described in section 2323(c)(3) of title 10, United States Code, to educational institutions that have student body enrollments equal to or greater than 51 percent of the student body enrollment standard under which such educational institution would qualify as a minority institution under section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

SEC. 812. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) PROCUREMENT TECHNICAL ASSISTANCE PROGRAM FUNDING.—Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 813. PILOT MENTOR-PROTEGE PROGRAM FUNDING AND IMPROVEMENTS.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title I of this Act, $50,000,000 shall be available for conducting the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note).

(b) REGULATIONS.—(1) The fifth sentence of section 831(k) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows: "The Department of Defense policy regarding the pilot Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.".

(2) The Secretary of Defense shall ensure that, within 30 days after the date of the enactment of this Act, the Department of Defense policy regarding the pilot Mentor-Protege Program, as in effect on September 30, 1993, is incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation as an appendix. Revisions to such policy (or any successor policy) shall be published and maintained in such supplement as an appendix.

(c) EQUITY CAPITAL INVESTMENT.—(1) Section 831(f)(6) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "10 percent" and inserting in lieu thereof "40 percent".

(2) The amendment made by paragraph (1) shall take effect as of October 1, 1991.

(d) EXTENSION OF PROGRAM ADMISSIONS.—Section 831(j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

Subtitle C—Other Matters

SEC. 821. REIMBURSEMENT OF INDIRECT COSTS OF INSTITUTIONS OF HIGHER EDUCATION UNDER DEPARTMENT OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Department of Defense reimbursements of allowable indirect costs incurred by an institution of higher education for work performed for the Department of Defense under a Department of Defense contract may not be limited by regulation to a maximum amount unless that same limitation is applied uniformly to all other organizations performing similar work for the Department of Defense under Department of Defense contracts.

(b) WAIVERS.—The governing body of an institution of higher education may waive the application of the prohibition in subsection (a) to such institution in order to simplify the overall management by that institution of cost reimbursements for contracts awarded to the institution.

(c) DEFINITIONS.—In this section:

(1) The term "allowable indirect costs" means costs that are generally considered allowable as indirect costs under regulations that establish the cost reimbursement principles applicable to an institution of higher education for purposes of Department of Defense contracts.

(2) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 822. PROHIBITION ON PURCHASE OF UNITED STATES DEFENSE CONTRACTORS BY ENTITIES CONTROLLED BY FOREIGN GOVERNMENTS.

Section 835(c)(1)(A) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2462; 50 U.S.C. App. 2170a) is amended by striking out "owned or controlled" and inserting in lieu thereof "controlled, either directly or indirectly,".

SEC. 823. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO ENTITIES CONTROLLED BY A FOREIGN GOVERNMENT.

(a) TERMINOLOGY AMENDMENT.—Subsection (a) of section 2536 of title 10, United States Code, is amended—

(1) by striking out "a company owned by"; and

(2) by striking out "that company" and inserting in lieu thereof "that entity".

(b) DEFINITION OF ENTITY CONTROLLED BY FOREIGN GOVERNMENT.—Subsection (c)(1)(A) of such section is amended by striking out

"owned or controlled" and inserting in lieu thereof "controlled, either directly or indirectly,".

(c) CLERICAL AMENDMENTS.—(1) The section heading of such section is amended by striking out **"companies owned by an entity"** and inserting in lieu thereof **"entities"**.

(2) The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of title 10, United States Code, is amended to read as follows:

"2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government.".

SEC. 824. REPORTS BY DEFENSE CONTRACTORS ON DEALINGS WITH TERRORIST COUNTRIES AND NATIONALS OF TERRORIST COUNTRIES.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410i. Defense contractor transactions with terrorist countries and nationals of terrorist countries

"(a) REPORTS REQUIRED FROM CONTRACTORS.—(1)(A) The Secretary of Defense shall require that each person—

"(i) before entering into a contract with the Department of Defense to provide goods or services to the Department, report to the Secretary any commercial transactions which such person has conducted with any terrorist country or with any national of a terrorist country; and

"(ii) report to the Secretary any commercial transactions which such person conducts, during the period of the contract, with any terrorist country, or with any national of a terrorist country.

"(B) The requirement contained in subparagraph (A)(ii) shall be included in the contract with the Department of Defense.

"(b) ANNUAL REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to the Congress an annual report on defense contractor transactions with terrorist countries and nationals of terrorist countries.

"(2) The report shall contain the following matters:

"(A) A list of the persons who conducted commercial transactions with terrorist countries and nationals of terrorist countries during the year covered by the report, as reported pursuant to subsection (a).

"(B) The terrorist countries and nationals of terrorist countries with which such transactions were conducted.

"(C) The nature of the transactions.

"(c) DEFINITIONS.—In this section:

"(1) The term 'terrorist country' means a country the government of which the Secretary of State has determined pursuant to law, as of March 1, 1993, is a government that has repeatedly provided support for acts of international terrorism.

"(2) The term 'national' means, with respect to a terrorist country—

"(A) a natural person who is a citizen of such country; or

"(B) a corporation or other legal entity that is organized under the laws of that country, if natural persons who are citizens of that country own, directly or indirectly, 50 percent or more of the outstanding capital stock or other beneficial interest of such corporation or entity.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410i. Defense contractor transactions with terrorist countries and nationals of terrorist countries.".

(b) EFFECTIVE DATE.—Section 2410i of title 10, United States Code, shall take effect 60 days after the date of the enactment of this Act and shall apply to contracts entered into on or after the effective date of such section.

SEC. 825. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall issue regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations issued pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a warranted contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations issued pursuant to paragraph (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations issued pursuant to subsection (a) take effect.

SEC. 826. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PILOT DEMONSTRATION PROJECTS AND PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out pilot technology demonstration projects and prototype projects that are directly relevant to weapons or weapons systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (d)(2) and (d)(3) of such section 2371 shall not apply to pilot projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, utilize competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

SEC. 827. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the installation for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract, as determined by the installation commander. In addition, the contract may include a provision that requires the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and

(c) shall be subject to the authority, direction, and control of the Secretary of the military department concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of a military department and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of a military department by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of each military department shall submit to the Secretary of Defense and Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

Subtitle D—Defense Acquisition Pilot Program

SEC. 831. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 832. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months.;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support and should usually be completed within 6 to 36 months and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent provided in legislation pursuant to subsection of (c)(1)(B) of section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for a defense acquisition program participating in the Defense Acquisition Pilot Program such sums as are necessary to carry out a phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of the Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) IN GENERAL.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and may provide an enhanced system of incentives, in accordance with applicable law, for the encouragement of excellence in the work force of a participating acquisition program.

(b) ENHANCED SYSTEM OF INCENTIVES.—The Secretary of Defense should consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of the Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to

simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of the Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

Section 136(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.".

SEC. 902. RESPONSIBILITIES OF THE COMPTROLLER OF THE DEPARTMENT OF DEFENSE.

Section 137(c) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(6) in informing, in a timely manner, the Committees on Armed Services and on Appropriations of the Senate and House of Representatives regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Comptroller.".

SEC. 903. REPEAL OF TERMINATION OF REQUIREMENT FOR A DIRECTOR OF EXPEDITIONARY WARFARE.

Section 5038(e) of title 10, United States Code, is repealed.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

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

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. REVISION OF DATE FOR SUBMITTAL OF JOINT REPORT ON SCORING OF BUDGET OUTLAYS.

Section 226(a) of title 10, United States Code, is amended—

(1) by striking out "Not later than" and all that follows through "section 1105 of title 31", and inserting in lieu thereof "Not later than December 15 of each year"; and

(2) in paragraph (1), by striking out "that budget" and inserting in lieu thereof "the budget to be submitted to Congress in the following year pursuant to section 1105 of title 31".

SEC. 1003. DISCRETIONARY AUTHORITY OF THE COMPTROLLER GENERAL TO CONDUCT ANNUAL AUDITS OF THE ACCEPTANCE BY THE DEPARTMENT OF DEFENSE OF PROPERTY, SERVICES, AND CONTRIBUTIONS.

(a) PROPERTY AND SERVICES FROM FOREIGN COUNTRIES IN CONNECTION WITH MUTUAL DEFENSE OR OCCUPATION.—Section 2350g(d) of title 10, United States Code, is amended—

(1) by striking out "shall conduct" and inserting in lieu thereof "may conduct"; and

(2) by striking out "each such audit" and inserting in lieu thereof "each audit conducted under this subsection".

(b) CONTRIBUTIONS FOR DEPARTMENT OF DEFENSE USE.—Section 2608(i) of title 10, United States Code, is amended—

(1) by striking out "shall conduct" and inserting in lieu thereof "may conduct"; and

(2) by striking out "each such audit" and inserting in lieu thereof "each audit conducted under this subsection".

Subtitle B—Fiscal Year 1993 Authorization Matters

SEC. 1011. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $4,343,219,000 may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1993 defense appropriations except as otherwise provided in section 1012.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1993 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1993 defense authorizations.

(c) DEFINITIONS.—For the purposes of this subtitle:

(1) FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.—The term "fiscal year 1993 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993 in the Department of Defense Appropriations Act, 1993 (Public Law 102-396).

(2) FISCAL YEAR 1993 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1993 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1993 in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

SEC. 1012. LIMITATION ON OBLIGATION FOR CERTAIN UNAUTHORIZED APPROPRIATIONS.

(a) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—Amounts described in section 1011(b) may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which amounts were provided in fiscal year 1993 defense appropriations):

(1) The University Research Initiatives program under research, development, test, and evaluation for the Defense Agencies in the amount of $136,450,000.

(2) The C-20 aircraft program under aircraft procurement for the Navy in the amount of $25,000,000.

(3) The 105MM M490A1 tank cartridge program under ammunition for the Army in the amount of $20,000,000.

(4) The 155MM M107 artillery projectile program under ammunition for the Army in the amount of $35,000,000.

(5) The 155MM M203 propellant charge program under ammunition for the Army in the amount of $22,487,000.

(6) The LSV landing craft program under other procurement for the Army in the amount of $18,000,000.

(7) The Offshore Petroleum Delivery System under other procurement for the Navy in the amount of $22,000,000.

(8) The AN/SPS-48 radar program under other procurement for the Navy in the amount of $51,500,000.

(9) The HARM missile program under missile procurement for the Air Force in the amount of $113,700,000.

(10) The KC-135 reengining program under aircraft procurement for the Air Force, $87,174,000.

(11) The P-3 upgrade program for the Naval Reserve under procurement of National Guard and Reserve Equipment in the amount of $25,000,000.

(12) Operational Support Aircraft under procurement of National Guard and Reserve Equipment in the amount of $249,200,000 as follows:

(A) C-12J aircraft for Army Reserve, $42,300,000.

(B) C-20 aircraft for the Army Reserve, $27,000,000.

(C) C-23 aircraft for the Army National Guard, $60,000,000.

(D) C-26 aircraft for the Army National Guard, $23,000,000.

(E) C-212 aircraft for the Army National Guard, $57,900,000.

(F) P-180 aircraft for the Army National Guard, $16,000,000.

(G) C-26 aircraft for the Air National Guard, $23,000,000.

SEC. 1013. USE OF FISCAL YEAR 1993 AIR FORCE AIRCRAFT PROCUREMENT FUNDS FOR HIGHER PRIORITY PROGRAMS.

To the extent provided in appropriations Acts, the Secretary of the Air Force may use not more than $100,900,000 of the funds appropriated for the Air Force for fiscal year 1993 for procurement of aircraft in order to fund fiscal year 1994 programs of the Air Force having a higher priority than the aircraft procurement programs for which such funds are otherwise available.

SEC. 1014. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 for covering the incremental costs arising from Operation Restore Hope, Operation Provide Comfort, and Operation Southern Watch, and deficiencies in funding of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and for repairing flood damage at Camp Pendleton, California, $1,246,928 as follows:

(1) For Military Personnel:

For the Navy, $7,100,000.

(2) For Operation and Maintenance:

(A) For the Army, $149,800,000.

(B) For the Navy, $46,356,000.

(C) For the Marine Corps, $122,192,000.

(D) For the Air Force, $226,400,000.

(E) For the Defense Agencies, $2,000,000.

(F) For the Naval Reserve, $237,000.

(G) For Humanitarian Assistance, $23,000,000.

(H) For Real Property Maintenance, Defense, $29,098,000.

(I) For the Defense Health Program, $299,900,000.

(3) For Military Construction:

(A) For the Navy inside the United States, $3,000,000.

(B) For the Navy for family housing inside the United States, $4,345,000.

(4) For Working Capital Funds:

For the Defense Business Operations Fund, $293,500,000.

(b) NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.—During fiscal year 1993, sums in the National Security Education Trust Fund are authorized to be obligated in the total amount of $10,000,000.

Subtitle C—Joint Officer Personnel Matters

SEC. 1021. JOINT OFFICER PERSONNEL POLICY.

(a) FIVE-YEAR EXTENSION OF EXCEPTIONS TO REQUIREMENT OF JOINT DUTY ASSIGNMENT FOR PROMOTION TO GENERAL OR FLAG OFFICER.—Section 619(e) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (1), by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1999"; and

(2) in paragraph (2), by striking out subparagraph (E) and inserting in lieu thereof the following:

"(E) until January 1, 1999, in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for his service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.".

(b) SERVING-IN WAIVER.—Section 619(e) of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end of paragraph (2) the following:

"(F) in the case of an officer who has served at least 180 days in a joint duty assignment prior to the date of the convening of a selection board that recommends the officer for appointment to the grade of brigadier general or rear admiral (lower half), but only if that officer's total consecutive service in joint duty assignments within that same organization is not less than two years.".

(c) WAIVER FOR THE GOOD OF THE SERVICE.—Section 619(e)(3)(B) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, the Secretary of Defense may, on a case-by-case basis, delay the assignment of a general or flag officer to a joint duty assignment if an appropriate joint duty assignment is not available. An officer whose joint duty assignment has been so delayed may not be promoted to the grade of major general or rear admiral (upper half) until the officer completes a full tour of duty in a joint duty assignment.".

SEC. 1022. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—Notwithstanding subsection (e) of section 933 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2476; 10 U.S.C. 664 note), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, may give an officer credit for having completed a tour of duty in a joint duty assignment pursuant to the provisions of such section if—

(1) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps recommended (before the expiration of authority under subsection (e) of such section) that the officer be given such credit, credit was denied that officer or credit for less than a full tour was given that officer, and the Secretary determines that the decision not to give the credit or not to give greater credit, as the case may be, to such officer was incorrect; or

(2) the Secretary determines that the officer's ability to submit a timely request for consideration for such credit was impaired by involvement of the officer in an operational assignment and, as a result of the failure to submit a timely request, the officer was not recommended for such credit.

(b) CLARIFICATION OF INTENDED RELATIONSHIP BETWEEN CREDIT AND PROMOTIONS.—Section 933(a)(1) of such Act is amended by striking out "chapter 38" and inserting in lieu thereof "chapters 36 and 38".

(c) DURATION OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) expires at the end of the 60-day period beginning on the date of the enactment of this Act.

Subtitle D—Matters Relating to Reserve Components

SEC. 1031. REVIEW OF AIR FORCE PLANS TO TRANSFER HEAVY BOMBERS TO RESERVE COMPONENTS UNITS.

(a) REVIEW OF AIR FORCE PLANS.—(1) The Secretary of Defense shall review Air Force plans to transfer certain heavy bomber units from the active component of the Air Force to the reserve components of the Air Force.

(2) In carrying out the review, the Secretary shall consider the following matters:

(A) The compatibility of Air Force plans with the relevant results of the internal review of the Department of Defense (known as the "bottom-up review") being conducted during 1993 by direction of the Secretary of Defense.

(B) The effect that the transfer will have on the immediate availability of substantial numbers of heavy bombers for combat operations.

(C) The levels of full-time and part-time employees that will be necessary at reserve components units in order to provide adequate logistics and maintenance support for intensive and sustained heavy bomber operations.

(D) The requirements for additional military construction funding that will result from the transfer and relocation of heavy bomber operations.

(b) SECRETARY OF DEFENSE PLAN REQUIRED.—(1) The Secretary of Defense, in consultation with the Secretary of the Air Force, shall develop a comprehensive plan for proposed transfers of heavy bomber units from the active component of the Air Force to the reserve components of the Air Force. The plan shall cover the period beginning on the date of the enactment of this Act and ending January 1, 2000.

(2) The plan shall include the following matters:

(A) The unit designation of each active component unit from which heavy bombers are to be transferred.

(B) The unit designation of each reserve component unit to which such heavy bombers are to be transferred.

(C) The proposed date of inactivation of each active component unit transferring heavy bombers.

(D) The proposed date of activation of each reserve component unit receiving heavy bombers.

(E) The requirements at each reserve component unit receiving heavy bombers for additional Armed Forces personnel and civilian personnel, additional facilities for the bomber aircraft, additional military construction funds other than for facilities construction, additional spare parts, and additional logistics, maintenance, and test equipment beyond such resources that become available by reason of the inactivation of the active component unit.

(c) REPORTING REQUIREMENTS.—Not later than March 31, 1994, the Secretary shall submit to the congressional defense committees—

(1) a report on the results of the review required under subsection (a), and

(2) the plan required under subsection (b).

SEC. 1032. REQUIREMENT FOR TRANSFER OF AIR REFUELING AIRCRAFT TO RESERVE COMPONENTS OF THE AIR FORCE.

The Secretary of the Air Force shall transfer from active component squadrons of the Air Force to two Air National Guard or Air Force Reserve squadrons operating KC-135E aircraft a number of KC-135R aircraft that is sufficient to modernize such squadrons.

Subtitle E—International Peacekeeping Activities

SEC. 1041. GENERAL AUTHORIZATION OF SUPPORT FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZED SUPPORT FOR FISCAL YEAR 1994.—The Secretary of Defense may provide assistance for international peacekeeping activities during fiscal year 1994, in accordance with section 403 of title 10, United States Code, in an amount not to exceed $300,000,000. Notwithstanding the second sentence of subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1994 for operation and maintenance or from balances in working capital funds.

(b) EXTENSION OF AUTHORITY.—Section 403(h) of title 10, United States Code, is

amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 1042. REPORT ON MULTINATIONAL PEACEKEEPING AND PEACE ENFORCEMENT.

(a) REPORT REQUIRED.—Not later than the date on which the President submits to Congress the budget for fiscal year 1995 under section 1105 of title 31, United States Code, the President, after consultation with the Secretary of State and the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on United States policy on multinational peacekeeping and peace enforcement.

(b) CONTENT OF REPORT.—The report shall contain a comprehensive analysis and discussion of the following matters:

(1) Criteria for participation by the United States in multinational missions through the United Nations, North Atlantic Treaty Organization, or other regional alliances and international organizations.

(2) Proposals for expanding peacekeeping activities by the North Atlantic Treaty Organization and the North Atlantic Cooperation Council, including joint operations, joint training, and joint doctrine development.

(3) A summary of progress made by the United States, in consultation with other nations, to develop joint doctrine for peacekeeping and peace enforcement operations, and plans to conduct joint exercises with other nations for such purposes.

(4) The principles guiding decisions to place United States forces under foreign command.

(5) Proposals to establish opportunities within the Armed Forces of the United States for voluntary duty in units designated for assignment to multinational peacekeeping and peace enforcement missions.

(6) Proposals to modify the budgetary and financial policies of the United Nations for peacekeeping and peace enforcement missions, including—

(A) proposals regarding the structure and control of budgetary procedures;

(B) proposals regarding United Nations accounting procedures; and

(C) specific proposals—

(i) to establish a revolving capital fund to finance the costs of starting new United Nations operations approved by the Security Council;

(ii) to establish a requirement that United Nations member nations pay one-third of the anticipated first-year costs of a new operation immediately upon Security Council approval of that operation;

(iii) to establish a requirement that United Nations member nations be charged interest penalties on late payment of their assessments for peacekeeping or peace enforcement missions; and

(iv) regarding possible sources of international revenue for United Nations peacekeeping and peace enforcement missions.

(7) Proposals to establish a small United Nations Rapid Deployment Force under the direction of the United Nations Security Council in order to provide for quick intervention in disputes for the purpose of preventing a larger outbreak of hostilities.

(8) Congressional authorization and approval requirements for participation of United States forces in multinational peacekeeping and peace enforcement missions, including the applicability of the War Powers Resolution.

(9) Proposals that the United States and other United Nations member nations negotiate special agreements under article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the United Nations Security Council for the purposes stated in article 42 of that charter, not only on an ad hoc basis, but also on a permanent on-call basis for rapid deployment under Security Council authorization.

(10) A proposal that member nations of the United Nations commit to keep equipment specified by the Secretary General of the United Nations available for immediate sale, loan, or donation to the United Nations when required.

(11) A proposal that member nations of the United Nations make airlift and sealift capacity available to the United Nations without charge or at lower than commercial rates.

(12) An evaluation of the current capabilities and future needs of the United Nations for improved command, control, communications, and intelligence infrastructure, including facilities, equipment, procedures, training, and personnel, and an analysis of United States capabilities and experience in such matters that could be applied or offered directly to the United Nations.

(13) An evaluation of the potential role of the Military Staff Committee of the United Nations Security Council.

(14) Any other information that may be useful to inform Congress on matters relating to United States policy and proposals on peacekeeping and peace enforcement missions.

Subtitle F—Matters Relating to Allies and Other Nations

SEC. 1051. BURDEN SHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350j. Burden sharing contributions by Japan, Kuwait, and Korea

"(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Notwithstanding section 1306 of title 31, the Secretary of Defense, in consultation with the Secretary of State, may accept cash contributions from Japan, Kuwait, and the Republic of Korea for the purposes specified in subsection (c).

"(b) CREDITS.—Contributions accepted under subsection (a) shall be credited to appropriations of the Department of Defense. The contributions so credited shall be merged with the appropriations to which credited.

"(c) AVAILABILITY OF CONTRIBUTIONS.—Contributions accepted under subsection (a) shall be available only for payment of the following costs associated with facilities used by the armed forces:

"(1) Compensation for local national employees of the Department of Defense.

"(2) Military construction projects of the Department of Defense, in accordance with subsection (d).

"(3) Supplies and services for the Department of Defense.

"(d) AUTHORIZATION OF MILITARY CONSTRUCTION.—Contributions credited under subsection (b) to an appropriation account of the Department of Defense may be used—

"(1) by the Secretary of Defense to carry out a military construction project that is consistent with the purposes for which the contribution was made and is not otherwise authorized by law; or

"(2) by the Secretary of a military department, with the approval of the Secretary of Defense, to carry out such a project.

"(e) NOTICE AND WAIT REQUIREMENTS.—(1) When a decision is made to carry out a military construction project under subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report containing—

"(A) an explanation of the need for the project;

"(B) the then current estimate of the cost of the project; and

"(C) a justification for carrying out the project under that subsection.

"(2) The Secretary of Defense or the Secretary of a military department may not commence a military construction project under subsection (d) before the expiration of the 21-day period beginning on the date on which the Secretary of Defense submits the report regarding the project in accordance with paragraph (1).

"(f) REPORTING REQUIREMENT.—Not later than 30 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report specifying separately for Japan, Kuwait, and the Republic of Korea—

"(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under this section;

"(2) the purposes for which the contributions were made;

"(3) the amount of the contributions expended during the preceding fiscal year; and

"(4) the purposes for which the contributions were expended.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350j. Burden sharing contributions by Japan, Kuwait, and Korea.".

SEC. 1052. DEFENSE CONVERSION AND REINVESTMENT; EXPORT LOAN GUARANTEES.

(a) AUTHORITY FOR PROVIDING LOAN GUARANTEES.—(1) During fiscal year 1994, the President may issue guarantees for the sale of defense articles and defense services to the member nations of the North Atlantic Treaty Organization and to Israel, Australia, Japan, and the Republic of Korea. The aggregate amount guaranteed under this section in such fiscal year may not exceed $1,000,000,000.

(2) In issuing medium- and long-term guarantees for sales pursuant to paragraph (1), the President shall not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(3) The authority of this subsection may be exercised only to such extent and in such amounts as is provided for in advance in appropriations Acts.

(b) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1994, $25,000,000 for the subsidy cost of the loan guarantees issued under this section.

(2) Funds authorized to be available for the Export-Import Bank of the United States may not be used for the execution of the program under this section.

(c) EXECUTIVE AGENCY.—The Department of Defense shall be the executive agency for administration of the program under this section unless the President, in consultation with the Congress, designates another agency to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as are necessary with other agencies to process the applications and otherwise to implement the program under this section.

(d) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the program under this section. All fees collected in connection with guarantees issued under the program shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(e) INTERAGENCY REVIEW PROCESS.—The issuance of loan guarantees for defense exports under this section shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

(f) NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (e), the National Security Council shall review the proposed defense sale and determine that it is in accord with United States security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

(g) DEFINITIONS.—In this section, the terms "defense articles", "defense services", and "defense articles and defense services" have the meanings given those terms, respectively, in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SEC. 1053. FINDINGS REGARDING DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Congress makes the following findings:

(1) The President has made a commitment to maintain the qualitative superiority of the Israeli Defense Forces over any combination of adversary armed forces.

(2) The President has expressed a desire to enhance United States-Israeli military and technical cooperation, particularly in the areas of missile defense, counter-proliferation of weapons of mass destruction, and counter-proliferation of ballistic missiles.

(3) Maintaining the qualitative superiority of the Israeli Defense Forces and strengthening United States defense ties with Israel will help to ensure that Israel has the military strength and political support necessary for taking risks for peace while providing Arab states with an incentive to pursue negotiations instead of war.

(4) The establishment of the United States Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group is in the interest of both the United States and Israel.

(5) It is in the national interests of the United States and Israel for the organizations referred to in paragraph (4) to work to strengthen existing mechanisms for cooperation and to eliminate barriers to further collaboration between the United States and Israel.

(6) Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

SEC. 1054. DEFENSE BURDENSHARING.

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

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to consult with East Asian allies, and to develop a plan, regarding gradually reducing the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of more than 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to offset more of the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the Infrastructure Program could pay the annual operation and maintenance costs of facilities that would support the reinforcement of Europe by United States military forces.

(b) FUNDING REDUCTIONS.—(1) The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) to conduct overseas basing activities during fiscal year 1994 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $1,355,500,000.

(2) For purposes of paragraph (1), the baseline for fiscal year 1993 is the sum of the amounts that were made available for overseas basing activities out of the amounts appropriated for such fiscal year for the following purposes:

(A) Operation and maintenance.

(B) Family housing, operations.

(C) Family housing, construction.

(D) Military construction (including NATO Infrastructure).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal year 1995 and in future fiscal years as—

(1) the number of United States military personnel stationed overseas continues to decline; and

(2) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(d) BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to achieve additional savings in overseas basing costs, the President should intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent

duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

Subtitle G—Other Matters

SEC. 1061. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

Section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is amended by adding at the end the following new paragraph:

"(10) Aerial and ground reconnaissance.".

SEC. 1062. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

(a) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (c) a report entitled "Manpower Required to Implement Export Controls on Certain Weapons Transfers".

(b) CONTENT OF REPORT.—The report shall contain the following matters:

(1) A clear statement of the role of the Department of Defense, and a clear statement of the role of the Department of Energy, in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(2) A discussion of the number and skills of personnel currently available in the Department of Defense and the Department of Energy to perform the respective roles of such department.

(3) An assessment of the adequacy of the number and skills of such personnel for the effective performance of such roles.

(4) For each of fiscal years 1988, 1989, 1990, 1991, 1992, 1993, and 1994, the total number of Department of Defense and Department of Energy full-time employees and military personnel who, in the implementation of export controls on goods and technology related to nuclear, chemical, and biological weapons, carry out the following activities of such department:

(A) Review of private sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technical review.

(5) For each fiscal year referred to in paragraph (4), the grades of the personnel referred to in that paragraph and the special knowledge, experience, and expertise of such personnel that enable such personnel to carry out the activities referred to in that paragraph.

(6) An assessment of the adequacy of the staffing in each of the categories specified in subparagraphs (A) through (E) of paragraph (4).

(7) Recommendations concerning measures, including any legislation necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(8) All Department of Defense activities undertaken during fiscal years 1989, 1990, 1991, 1992, and 1993 in fulfillment of the responsibilities of the Department of Defense under section 602(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 96-280; 22 U.S.C. 3282(c)) with respect to nuclear weapons proliferation threats and the role of the department in addressing such threats.

(c) SUBMISSION OF REPORT.—The Secretary of Defense and the Secretary of Energy shall submit the report to—

(1) the Committees on Armed Services and on Governmental Affairs of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

(d) FORM OF REPORT.—The report shall be submitted in unclassified form but may also be submitted in classified form if the Secretary of Defense and the Secretary of Energy consider it necessary to include classified information in order to satisfy fully the requirements of this section.

SEC. 1063. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM AMENDMENTS.

Section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2519; 32 U.S.C. 501 note) is amended—

(1) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the program in such States as he determines to be appropriate.";

(2) in subsection (d)(3), by striking out "reimburse" and inserting in lieu thereof "provide funds to";

(3) in subsection (*l*), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.";

and

(4) in subsection (m)—

(A) by inserting "(1)" after "(m);

(B) by striking out "for fiscal year 1993"; and

(C) by adding at the end the following new paragraph:

"(2) Notwithstanding section 9003 of Public Law 102-396 (106 Stat. 1900), of the total amount appropriated for fiscal year 1993 for operation and maintenance for the Army National Guard, for operation and maintenance for the Air National Guard, for the National Guard Civilian Youth Opportunities Pilot Program, for National Guard Civilian Youth Opportunities, Urban Youth Program and Youth Conservation Corps Camps, and the STARBASE youth education program, $49,000,000 shall remain available for obligation for such purposes and programs until the enactment of an Act appropriating funds for the Department of Defense for fiscal year 1995.".

SEC. 1064. CIVILIAN FACULTY OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599. George C. Marshall European Center for Security Studies: civilian faculty members

"(a) AUTHORITY OF THE SECRETARY.—The Secretary of Defense may employ as many civilians as directors, deans, professors, scholars, instructors, researchers, and lecturers at the George C. Marshall European Center for Securities Studies as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599. George C. Marshall European Center for Security Studies: civilian faculty members.".

SEC. 1065. ADMINISTRATIVE IMPROVEMENTS IN GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

(a) TERMS OF OFFICE OF FOUNDATION MEMBERS.—Section 1404(c)(1) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661; 20 U.S.C. 4703) is amended—

(1) by striking out ", and" at the end of subparagraph (A) and inserting in lieu thereof a semicolon;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(C) notwithstanding the term limitation provided for under this paragraph, any member appointed under this paragraph may serve under such appointment until the successor to such member is appointed.".

(b) LEASE AUTHORITY.—Section 1411(a)(7) of such Act (20 U.S.C. 4710(a)(7)) is amended by striking out "District of Columbia" and inserting in lieu thereof "the Washington, District of Columbia, metropolitan area".

SEC. 1066. U.S.S. INDIANAPOLIS MEMORIAL, INDIANAPOLIS, INDIANA.

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

(1) That, on July 30, 1945, among the closing days of World War II, the U.S.S. Indianapolis (CA-35) was sunk as a result of a torpedo attack on that ship.

(2) That the memorial to the U.S.S. Indianapolis (CA-35) located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, will honor the personal sacrifice of the 1,197 servicemen who were aboard the U.S.S. Indianapolis (CA-35) on that day, 881 of whom died as one of the greatest single combat losses suffered by the United States Navy in World War II.

(3) That the memorial will pay fitting tribute to that gallant ship and its final crew, and will forever commemorate the place of the U.S.S. Indianapolis in United States Navy history as the last major ship lost in World War II.

(4) That, as a memorial to the last major ship lost by the United States Navy in World War II, the memorial to the U.S.S. Indianapolis will rank in importance with the memorial to the U.S.S. Arizona (BB-39), one of the first ships lost by the United States Navy in World War II.

(5) That the memorial to the U.S.S. Indianapolis symbolizes the devoted service of the United States Navy and Marine Corps personnel, particularly those who lost their lives at sea in the Pacific Theater during World War II, whose dedication and sacrifice in the cause of liberty and freedom were instrumental in the triumph of the United States in that war.

(6) That the citizens of the United States have a continuing obligation to educate future generations about the military and

other historic endeavors of this great Nation.

(b) RECOGNITION AS A NATIONAL MEMORIAL.—The memorial to the U.S.S. Indianapolis (CA-35) in Indianapolis, Indiana, is hereby recognized as the national memorial to the U.S.S. Indianapolis (CA-35) and to the final crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARDS SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

SEC. 1068. SENSE OF THE CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION WITHIN THE DEPARTMENT OF COMMERCE.

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

(1) The available Federal resources for defense economic adjustment and conversion assistance are spread among 23 different Federal departments and agencies.

(2) Numerous other Federal departments and agencies are involved in related technology reinvestment activities.

(3) Workers and communities adversely affected by closures of military installations or decreased spending for national defense often experience difficulty finding which Federal department or agency is appropriate for providing assistance needed by such workers and communities.

(4) Expanded coordination between Federal departments and agencies could greatly improve Federal efforts to assist in defense economic adjustment and conversion.

(b) SENSE OF CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is the sense of the Congress that the President should work with the Congress to establish within the Department of Commerce an Office of Economic Conversion Information which, under the joint direction of the Secretary of Commerce and the Secretary of Defense, would—

(1) serve as an information clearinghouse to provide comprehensive information regarding assistance for communities, workers, and businesses that have been adversely affected by closures of military installations and reduced spending for national defense;

(2) enhance and consolidate existing programs for collecting and disseminating information regarding defense economic adjustment and conversion;

(3) be widely publicized as the central point of access for the public on issues related to defense economic adjustment and conversion;

(4) develop data bases of information, to be available to help communities, businesses, and workers dependent on spending for national defense identify and apply for assistance from Federal departments and agencies, including—

(A) comprehensive listings and summaries of all major Federal, State, and local economic adjustment and conversion programs;

(B) a data base listing information available to the public regarding major defense contract terminations and closures of military installations and identifying affected communities, industries, and jobs;

(C) listings and summaries of defense conversion attempts and successes; and

(D) relevant reference lists and bibliographies;

(5) provide information to communities, workers, and businesses by such easily accessible and easily used means as toll-free telephone information lines, inexpensive and frequently updated manuals and other print materials, workshops on clearinghouse services, and on-line computer access to clearinghouse information;

(6) facilitate a series of community roundtables, involving consultation and briefings with communities, workers, and businesses adversely affected by closures of military installations and reduced spending for national defense, to be held annually in all major regions of the United States so affected; and

(7) establish a mechanism, coordinated by the Secretary of Commerce and the Secretary of Defense, to ensure adequate cooperation between all Federal departments and agencies that oversee defense economic adjustment and conversion assistance programs.

(c) SENSE OF CONGRESS REGARDING EVALUATION AND FUNDING OF THE OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is further the sense of Congress that—

(1) after the Office of Economic Conversion Information has been in operation for three years, the Secretary of Commerce and the Secretary of Defense should jointly conduct a comprehensive evaluation of the operations of such office and consider whether the purpose of the office should be modified or the office should be terminated; and

(2) the operating expenses for the Office of Economic Conversion Information should not exceed $5,000,000 for each of the first three full fiscal years in which the office is in operation.

SEC. 1069. TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by section (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1070. TRANSPORTATION OF CARGOES BY WATER.

Chapter 157 of title 10, United States Code, is amended by inserting a new section 2631a, as follows:

"§ 2631a. Contingency planning

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

"(c) CERTIFICATION REQUIREMENT.—The Secretary shall submit to the Secretary of Transportation, not less often than annually, a certification of compliance with the requirements of subsection (b).".

SEC. 1071. BURIAL OF REMAINS AT ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY.—Under regulations prescribed by the Secretary of the Army, former prisoners of war who, having served honorably in active military, naval, or air service (as determined in accordance with such regulations), die on or after the date of the enactment of this Act shall be eligible for burial in Arlington National Cemetery, Virginia.

(b) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery any former prisoner of war who was eligible before the date of the enactment of this Act to be buried in such cemetery.

(c) DEFINITION.—In this section, the term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

SEC. 1072. SENSE OF THE CONGRESS REGARDING THE JUSTIFICATION FOR CONTINUING THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) FINDINGS.—(1) There is a need to reevaluate all defense spending in light of the post-Cold War era and budget and fiscal constraints;

(2) The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union;

(3) The threat of nuclear war has greatly diminished since the collapse of the Soviet Union;

(4) The ELF System is increasingly in use for communications with our SSN attack submarines in addition to our strategic missile submarines;

(5) Military base closing, downsizing of military facilities and activities, and termination of selected projects are appropriate in light of the end of the Cold War and the approximately $4,000,000,000,000 national debt;

(6) It is appropriate to establish funding priorities within the military defense budget; and

(7) Ongoing studies of the effects of ELF operations on human health and the environment are due to be concluded next year.

(b) SENSE OF CONGRESS.—Now, therefore, it is the sense of Congress that—

(1) the Secretary of Defense should conduct an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and alternatives thereto, if any;

(2) the results of such an evaluation should be submitted to the Congressional Defense Committees prior to consideration of the fiscal year 1995 Defense budget request; and

(3) the Extremely Low Frequency Communication System should again be considered in the next round of military base closures.

SEC. 1073. BASING FOR C-130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C-130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1074. IMPORTANCE OF NAVAL OCEANOGRAPHY SURVEY AND RESEARCH IN THE POST-COLD WAR PERIOD.

(a) The Senate finds that—

(1) the Oceanographer of the Navy is responsible for the all Navy oceanographic research and survey efforts;

(2) oceanographic research and surveys are critical investments in the Navy's ability to operate in littoral waters of the world with an increased confidence of operational success;

(3) oceanographic surveys enable the Navy to conduct naval operations in greater safety, particularly in littoral waters;

(4) the survey of littoral waters is most safely conducted during periods of peace when conflict is not imminent and the risk to lives and ships are diminished;

(5) the Navy has reduced their oceanographic research and survey effort by almost 50 percent over the last five years;

(6) this reduction in effort is the result of undistributed budget reductions required by the Comptroller of the Navy to meet overall Navy budget targets;

(7) the number of naval ships dedicated to oceanographic survey and research have been reduced from 12 to 7 over the last five years, significantly reducing the Navy's oceanographic survey capability;

(b) Therefore, it is the sense of the Congress that—

(1) additional reductions to the Office of the Oceanographer of the Navy which will further reduce the level of oceanographic survey and research efforts of the Navy should be avoided;

(2) a window of opportunity exists which allows near unencumbered access to littoral waters which are now available for surveying and research;

(3) committing limited resources to the Navy's oceanographic research and survey effort should be considered a force multiplier to United States combat forces in future conflicts, particularly in littoral waters;

(4) the Navy should exploit this opportunity to survey and research these critical littoral waters and maintain funding levels for oceanographic surveying and research.

SEC. 1075. DIGITAL ELECTRONIC DEVICES.

Of the funds authorized to be appropriated pursuant to section 201(1), $24,000,000 may be obligated and expended for the purposes of demonstrating in field maneuvers the integration of digital electronic devices for purposes of command, control, battle management and combat identification for all major weapon systems contained in a combined arms brigade.

SEC. 1076. RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS OF ARMED SERVICES PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

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

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to chemical, biological, radiological, or other hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Members of the Armed Forces of the former Czechoslovakian Federative Republic who served on a chemical decontamination team in Southwest Asia during the period of the Persian Gulf War have claimed exposure to chemical agents during such service, and the Czech Minister of Defense has confirmed that members of that chemical decontamination team detected low levels of nerve gas in that region during that period.

(3) Reports indicate that members of the United States Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to combined chemical warfare agents and other hazardous agents and substances during such service.

(4) Such exposure may have occurred directly as a result of attack on such members by Iraqi forces or indirectly as a result of prolonged "downwind" exposure to airborne chemical warfare agents or other hazardous substances that were dispersed as a consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(5) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) one of the threats to international peace and to the interests of the United States in the post-Cold War era is the proliferation of weapons utilizing chemical, biological, radiological, or other hazardous agents or materials;

(2) the readiness of the United States to engage in future military conflicts will be directly related to the capability of the United States—

(A) to identify the threat to members of the Armed Forces posed by the utilization of such weapons and the agents and materials utilized in such weapons;

(B) to protect such members from the adverse effects of exposure to such agents and materials; and

(C) to treat the casualties that result from the utilization of such weapons and from exposure to such agents and materials; and

(3) the Department of Defense is uniquely capable of conducting research into the sources and effects of exposure of members of the Armed Forces during military conflicts to chemical, biological, radiological, and other hazardous agents and materials.

(c) CONTRACT FOR RESEARCH FACILITY AND ACTIVITIES.—(1) Subject to paragraph (2), the Secretary of the Army shall enter into a contract with a hospital or other existing health care or health care research facility in order to ensure that the research referred to in paragraph (3) is carried out.

(2)(A) The Secretary shall enter into the contract under paragraph (1) using full and open competition.

(B) The facility referred to in such paragraph shall be affiliated with a medical facility of the Department of Veterans Affairs.

(3) The research referred to in paragraph (1) is research into the effects upon humans of exposure to hazardous agents and materials, including chemical and biological warfare agents, toxins, and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War.

(4) Humans may not be exposed to hazardous agents or materials as a result of the carrying out of research under this subsection.

(d) STUDY ON REPORTS OF EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS.—(1) Subject to paragraph (2), the Secretary of Defense shall carry out a study in order to determine the validity and accuracy of claims that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War were exposed to combined chemical warfare agents, biological warfare agents, biological toxins, and other unconventional warfare agents or other environmental conditions hazardous to the health of such members as a result of such service. The study shall identify the locations at which such exposure, if any, occurred and the extent, if any, of such exposure.

(2) The study under paragraph (1) shall include an investigation of such exposure directly as a result of attack on such members by Iraqi forces and indirectly as a result of prolonged downwind exposure to such agents and toxins dispersed in consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(e) STUDY ON EXPOSURE TO DEPLETED URANIUM.—The Secretary of the Army shall carry out a study of the effects upon humans of exposure to fragments of depleted uranium from weapons rounds that have been fired.

(f) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense shall ensure that all elements of the Departments of the Defense, including all chemical and biological warfare defense programs, provide to the facility with which the Secretary of the Army contracts under subsection (c) any information possessed by such elements on the identity and quantity of the chemical, biological, radiological, and other hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure.

(2) The Secretary of Defense shall ensure that the elements of the Department of Defense referred to in paragraph (1) provide to the persons or entities carrying out the study referred to in subsection (e) information possessed by such elements on the sources and effects of exposure to depleted uranium on the members referred to in paragraph (1).

(g) REPORTS TO CONGRESS.—(1) Not later than each of March 1, 1994, and October 1,

1994, the Secretary shall submit to the congressional defense committees an interim report on the results during the year preceding the report of the research and studies, as the case may be, carried out under subsections (c), (d), and (e).

(2) The reports submitted under this subsection shall be submitted in an unclassified form but may have a classified annex.

(h) BUDGET INFORMATION.—The Secretary of Defense shall ensure that each budget submitted to the Congress under section 1105 of title 31, United States Code, for a fiscal year in which the contract referred to in subsection (c) is in force, the Secretary carries out the study referred to in subsection (d), or the Secretary carries out the study referred to in subsection (e), as the case may be, contains a request for such funds as the Secretary determines necessary in order to carry out the contract or such studies, as the case may be, during that fiscal year.

(i) FUNDING.—Funds for programs authorized in this section shall be derived from amounts to be appropriated for the Department of Defense.

(j) LIMITATION ON EXPENDITURES.—The total amount that may be expended in fiscal year 1994 with respect to activities under this section is as follows:

(1) For research activities carried out under subsection (c), $2,000,000.

(2) For the study carried out under subsection (d), $2,000,000.

(3) For the study carried out under subsection (e), $1,700,000.

(k) DEFINITION.—In this section, the term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

SEC. 1077. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1078. AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

(a) No embassy, chancery, or consular facilities in Germany other than the facilities already occupied as of January 1, 1993 by United States diplomatic personnel may be purchased, constructed, leased or otherwise occupied unless such facilities are purchased, constructed, modified or leased with funds provided by the German government as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

(b) The Secretary of State or his representative may not enter into any legal instrument to purchase, construct, modify or lease any facility in Germany acquired pursuant to subsection (a) of this section until the Secretary of Defense certifies that the United States Government has received or is scheduled to receive cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

SEC. 1079. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

SEC. 1080. AWARD OF THE NAVY EXPEDITIONARY MEDAL.

It is the sense of the Senate that the Secretary of the Navy should direct that members who served in Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

SEC. 1081. REPORT ON MILITARY FOOD DISTRIBUTION PRACTICES.

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

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency (DLA), purchases more than 90 percent of the food supplied to military "end-users" such as dining halls, hospitals and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four DLA depots. Perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private sector end-users, including independent restaurants, hospitals, and hotels, obtain their food through direct delivery from distributors.

(4) A Department of Defense comprehensive inventory reduction plan, issued in May 1990, stated that "where DoD requirements can be met through commercial distribution systems in a timely and cost-effective fashion, no value is added by pushing items through the DoD warehousing systems.".

(5) A June 1993 GAO report determined that the Department of Defense could achieve substantial cost savings by expanding the use of private sector food distributors and practices in the military food supply system.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review which evaluates the feasibility and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users. The review should address whether the expanded use of distributors could reduce depot storage of food (except for war reserve stocks and items bound for overseas), and eliminates the requirement for Defense Subsistence Offices and certain base warehouse activities. The review should include a cost comparison of the Department of Defense supply system with the costs of commercial distributors. The review should also consider what obstacles may exist that would hinder the Department of Defense's ability to procure commercial items and institute commercial logistics practices.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings from the review together with any recommendations.

SEC. 1082. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990 through February 28, 1991 and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless

the President certifies to Congress prior to such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

SEC. 1083. SHORT TITLE.

Sections 1083, 1084, and 1085 may be cited as "NATO Review Requirements".

SEC. 1084. FINDINGS; POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security and freedom of the United States and its NATO allies for more than forty years;

(2) the national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework;

(3) recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union;

(4) the military threats which NATO was established to deter have receded with the end of the Cold War, calling into question both the future value of the alliance and the rationale for United States military deployments in Europe;

(5) the post-Cold War security situation continues to present a wide array of challenges to United States national interests, many of which interests the United States shares with its allies in Europe and Canada;

(6) the international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression;

(7) the United States must share the burden of its international security commitments with other nations if it is to tend to the needs of its own citizens in a responsible fashion;

(8) several of the newly democratic nations of Central and Eastern Europe have expressed interest in seeking membership in NATO;

(9) many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses;

(10) the United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible;

(11) military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others operational procedures;

(12) NATO is currently the only organization with the experience, trained staff and infrastructure necessary to support military cooperation with the major military allies of the United States;

(13) the NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace;

(14) justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission and procedures to the new security environment;

(15) justification of future United States support for the alliance and for a United States military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada;

(16) a summit meeting of the NATO heads of state, which has been scheduled for January 1994, would present an excellent opportunity for the President of the United States to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) POLICY.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization have retreated radically but new, more diverse challenges have arisen in the form of ethno-religious conflict in Central and Eastern Europe and the proliferation of weapons of mass destruction in regions proximate to alliance territory and NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

SEC. 1085. REPORT.

Within 30 calendar days of the enactment of this legislation, the President, in consultation with the Secretary of State and the Secretary of Defense, shall send a report to the Armed Services Committees of the United States Senate and House of Representatives and to the Foreign Relations Committee of the United States Senate and the Foreign Affairs Committee of the House of Representatives. This report should contain recommendations on—

(1) the manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members;

(2) the feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance;

(3) the manner in which NATO should restructure its forces, training and equipment for the new security environment;

(4) the desirability of expanding the alliance to include either traditionally neutral nations or the new democratic nations of Eastern or Central Europe who wish to join NATO;

(5) the proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in United States military deployments in Europe in the event of the alliance's failure to adopt a new mandate;

(6) the structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee;

(7) the desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy;

(8) the structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression;

(9) the levels of United States, European and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

SEC. 1086. LOCATION OF JOINT WARFIGHTING SIMULATION CENTER.

The Secretary of Defense shall provide that the Joint Warfighting Simulation Center, established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, Virginia.

SEC. 1087. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions against Serbia and Montenegro described in the following directives of the executive branch of Government are hereby enacted into law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—(1) No funds appropriated or otherwise made available by law may be obligated or expended for Serbia or Montenegro.

(2) The prohibition of paragraph (1) includes funds which were obligated but not expended under any law enacted before the date of enactment of this Act.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to Serbia or Montenegro.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States-supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties, in these two countries.

(e) WAIVER.—(1) Notwithstanding any other provision of this section (other than paragraph (2)), the President may waive the application, in whole or in part, of any sanction or prohibition contained in this section if the President determines, and so certifies to Congress, that it would be in the national interest of the United States to do so.

(2) The waiver authority of paragraph (1) may not be used to waive any sanction or prohibition in subsections (a), (b), and (c) unless the territory of Bosnia-Hercegovina, as recognized by the United States on April 2, 1992, is controlled by a government of Bosnia-Hercegovina recognized by the United States, and that government or its people, are not subject to military action in or against it by Serbia and Montenegro or Bosnian Serbian forces.

SEC. 1088. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) PROGRAM REQUIRED.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall establish a scholarship program for education and training for

qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) The program established pursuant to subparagraph (A) may include educational activities and training related to—

(i) site remediation;

(ii) site characterization;

(iii) hazardous waste management;

(iv) hazardous waste reduction;

(v) recycling;

(vi) process and materials engineering;

(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(C) The program established pursuant to subparagraph (A) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.

(ii) Chemistry.

(iii) Chemical Engineering.

(iv) Environmental engineering.

(v) Statistics.

(vi) Toxicology.

(vii) Industrial hygiene.

(viii) Health physics.

(ix) Environmental project management.

(b) FUNDING.—(1) From amounts appropriated pursuant to this authorization, the Secretary of Defense shall award scholarships to individuals described in paragraph (g)(5) to attend programs at the hazardous substance research centers institutions of higher education at both undergraduate and graduate levels which lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(c) REPAYMENT.—(1) Any individual receiving educational assistance from the United States under the program carried out under this section shall agree to pay to the United States the total amount of the educational assistance provided to the individual by the United States under the program, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational program for which the assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary of Defense determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program carried out under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(d) COORDINATION OF BENEFITS.—Any educational assistance provided to an individual under the program carried out under subsection (a) shall be taken into account in determining the eligibility of that individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(e) COST AND FUNDING.—The cost of carrying out the program required by this section may not exceed $8,000,000 in any fiscal year.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit to the Congress a report on activities undertaken under the program established under this section and recommendations for future activities under the program.

(g) DEFINITIONS.—In this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

(5) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

(A) was on active duty or full-time National Guard duty on September 30, 1990;

(B) during the 5-year period beginning on that date—

(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(C) is not entitled to retired or retainer pay incident to that separation; and

(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

(2) CERTAIN DEFENSE EMPLOYEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

(I) 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); and

(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

(6) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

SEC. 1089. MEDICAL LASER BURN TREATMENT.

Of the funds authorized to be appropriated in section 201(1), $2,000,000 shall be available to continue the support of advanced laser burn treatment diagnostics and therapeutic research under the Army's medical research program.

SEC. 1090. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2031(a)(1) is amended in the second sentence by striking out "Not more than 200 units may be established by all of the military departments each year, and the" and by inserting in lieu thereof "The".

(6) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(7) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense

Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(8) Section 2469 is amended by striking out ", prior to any such change,".

(9)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(10) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(11) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(12) Section 2513 is amended—

(A) in subsection (b), by striking out "ELIGIBLE CENTERS.—" and inserting in lieu thereof "ELIGIBLE ALLIANCES.—"; and

(B) in subsection (c)(2)(B)—

(i) by striking out "two" in clause (ii) and inserting in lieu thereof "one"; and

(ii) by redesignating the clause (iii) added by section 4223(d) of Public Law 102-484 (106 Stat. 2681) as clause (iv); and

(iii) by striking out "an" in clause (iv), as so redesignated, and inserting in lieu thereof "An".

(13) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" and all that follows and inserting in lieu thereof "for the uniformed services.".

(14) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102-484.—Public Law 102-484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

SEC. 1091. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Not later than April 30, 1994, the Secretary of Defense shall submit to the Armed Services Committees of the Senate and House of Representatives a list of the reports required of the Department of Defense by law on that date that the Secretary determines are unnecessary or incompatible with the efficient management of the Department of Defense. Unless otherwise provided by a law enacted after the date of the enactment of this Act, the requirement for the submittal to Congress of any report included in the list submitted under this section shall expire on October 30, 1995.

SEC. 1092. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program;

(B) justification for such designation; and

(C) the current estimate of the total program cost for the program.

(2) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to the appropriate oversight committees a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria

used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify the appropriate oversight committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the appropriate oversight committees.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—In this Act:

(1) The term "appropriate oversight committees", in the case of a special access program carried out in a covered department or agency, means—

(A) each committee of the Senate and the committee of the House of Representatives having jurisdiction over legislation that authorizes the program, as determined under the Standing Rules of the Senate and the Rules of the House of Representatives, respectively; and

(B) the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program (other than the Department of Defense or an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(3) The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

SEC. 1093. DEPARTMENT OF DEFENSE FOOD STOCKS FOR ASSISTANCE IN BOSNIA-HERCEGOVINA AND ARMENIA.

Beginning not later than 10 days after the date of the enactment of this Act, the Secretary of Defense should make available to the Office of Foreign Disaster Assistance of the Agency for International Development, out of stocks for which there exists appropriations, of the Department of Defense, 500,000 cases of meals ready to eat for distribution over next four months, as humanitarian relief, in Bosnia-Hercegovina and Armenia. To the extent possible, these supplies should come from surplus stocks.

SEC. 1094. LANDMINE MORATORIUM EXTENSION ACT.

(a) SHORT TITLE.—This section shall be titled the "Landmine Moratorium Extension Act of 1993".

(b) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The State Department estimates there are more than 10,000,000 landmines in Afghanistan, 9,000,000 in Angola, 4,000,000 in Cambodia, 3,000,000 in Iraqi Kurdistan, and 2,000,000 each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1,000 per hour. These mines, which are being produced by many industrialized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Administration has approved ten licenses for the commercial export of anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since the moratorium on United States sales, transfers and exports of anti-personnel landmines was signed into law on October 23, 1992, the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers and exports of anti-personnel landmines, and the Government of France has announced that it has ceased all sales, transfers and exports of anti-personnel landmines.

(10) On December 2, 1993, ten years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers and exports of anti-personnel landmines for an additional three years. A moratorium of this duration would extend the current prohibition on the sale, transfer and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use of anti-personnel landmines.

(2) It is the sense of the Congress that the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification. Furthermore, the Administration should participate in a United Nations conference to review the Landmine Protocol, and actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer or export of anti-personnel landmines, and to further limit their manufacture, possession and use.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of three years beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and

which is actuated by remote control or automatically after a lapse of time.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1102. FINDINGS ON COOPERATIVE THREAT REDUCTION.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of—

(i) intercontinental ballistic missiles and launchers for such missiles;

(ii) submarine-launched ballistic missiles and launchers for such missiles; and

(iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.

(4) Support—

(A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union;

(B) the conversion of such industry and equipment to civilian purposes and uses; and

(C) the environmental restoration of former military sites and installations.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1103. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities and to assist in the environmental restoration of former military sites and installations.

(6) Programs to house and retrain military personnel of the former Soviet Union who have been released from military service, but only if such programs are carried out in conjunction with, and contribute significantly and directly to achieving the purposes of, one or more of the programs described in paragraphs (1) through (5) of this subsection.

(7) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 5901 et seq.).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this title, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 590(b)), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1104. FUNDING FOR FISCAL YEAR 1994.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds authorized to be appropriated under section 301(21) shall be available for cooperative threat reduction with states of the former Soviet Union under this title.

(b) AVAILABILITY OF FUNDS PREVIOUSLY AUTHORIZED TO BE TRANSFERRED.—(1) To the extent provided in appropriations Acts, of the total amount authorized to be transferred under sections 108 and 109 of Public Law 102-229 (105 Stat. 1708) and section 9110 of Public Law 102-396 (106 Stat. 1928), the Secretary of Defense may transfer not more than $400,000,000 to the appropriate fiscal year 1994 accounts within the Department of Defense for cooperative threat reduction with states of the former Soviet Union under this title.

(2) Funds transferred pursuant to paragraph (1) shall be in addition to funds authorized to be appropriated under subsection (a).

(3) A transfer made to an account under the authority of paragraph (1) shall be deemed to increase the amount authorized for that account by the amount transferred.

(4) The transfer authority provided in this subsection is in addition to the transfer authority provided in section 1001 of this Act.

SEC. 1105. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds for programs under section 1203, the President shall transmit to the appropriate congressional committees (as defined in section 1207) a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1106. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under this title. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation, if any, of each department and agency of the United States Government in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the private sector of the United States has participated in the activities for which amounts were obligated and expended under this title.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under this title, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1107. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the

Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

MILITARY CONSTRUCTION AUTHORIZATION ACT FISCAL YEAR 1994

The text of the original bill (S. 1338) to authorize appropriations for fiscal year 1994 for military construction, and other purposes; as passed the Senate on September 14, 1993, is as follows:

S. 1338

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 "Military Construction Authorization Act for Fiscal Year 1994".

Sec. 1. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Termination of authority to carry out certain projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Termination of authority to carry out certain projects.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Termination of authority to carry out certain projects.
Sec. 2306. Relocation of student dormitory project to Beale Air Force Base, California.
Sec. 2307. Relocation of munition maintenance facility project to Beale Air Force Base, California.
Sec. 2308. Relocation of combat arms training and maintenance facility project to Schofield Barracks Open Range, Hawaii.
Sec. 2309. Authority to transfer funds for construction of family housing, Scott Air Force Base, Illinois.
Sec. 2310. Increase in authorized unit cost for certain family housing, Randolph Air Force Base, Texas.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Termination of authority to carry out certain projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Reduction in amounts authorized to be appropriated for Reserve military construction projects.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1991 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1990 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Revision of military family housing rental authority.
Sec. 2802. Use of proceeds of sale of electricity from alternate energy and cogeneration production facilities.
Sec. 2803. Energy conservation measures for the Department of Defense.
Sec. 2804. Authority to acquire existing facilities in lieu of carrying out construction authorized by law.
Sec. 2805. Treatment of participation in Department of State housing pool under limitation on family housing rentals overseas.
Sec. 2806. Extension of authority to lease real property for special operations activities.

Subtitle B—Defense Base Closure and Realignment

Sec. 2811. Modification of requirement for reports on activities of the Defense Base Closure Account 1990.
Sec. 2812. Base closure criteria.
Sec. 2813. Limitation on expenditure of funds from the Defense Base Closure Account 1990 for military construction in support of transfers of functions.
Sec. 2814. Evaluation and report on proposals for purchase or lease of certain facilities, Arlington, Virginia.
Sec. 2815. Residual value of overseas installations being closed.
Sec. 2816. Justification of recommendations for closure or realignment of installations previously considered for closure or realignment.
Sec. 2817. Employment of Department of Defense civilian personnel to carry out environmental restoration at military istallations to be closed.
Sec. 2818. Reports on costs of the closure or realignment of military installations.
Sec. 2819. Consultation requirement for local reuse authorities and governments.

Subtitle C—Land Transactions

Sec. 2831. Conveyance of natural gas distribution system, Fort Belvoir, Virginia.
Sec. 2832. Conveyance of water distribution system, Fort Lee, Virginia.
Sec. 2833. Conveyance of waste water treatment facility, Fort Pickett, Virginia.
Sec. 2834. Conveyance of water distribution system and reservoir, Stewart Army Subpost, New York.
Sec. 2835. Lease of real property, Camp Pendleton Marine Corps Base, California.
Sec. 2836. Conveyance of electricity distribution system, Fort Dix, New Jersey.
Sec. 2837. Modification of termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia.
Sec. 2838. Conveyance of radar bomb scoring site, Conrad, Montana.
Sec. 2839. Financial assistance for improvement of Dysart Channel, Luke Air Force Base, Arizona.
Sec. 2840. Land conveyance, Broward County, Florida.
Sec. 2841. Land transfer, Woodbridge Research Facility, Virginia.
Sec. 2842. Land conveyance, Charleston, South Carolina.
Sec. 2843. Availability of surplus military equipment.
Sec. 2844. Conveyance of land in Fort Missoula, Montana.
Sec. 2845. Land transfer, Fort Sheridan, Illinois and Arlington County, Virginia.

Subtitle D—Other Matters

Sec. 2851. Reports on economic and environmental effects of transfer of Mine Warfare Center of Excellence.
Sec. 2852. Prohibition on use of funds for planning and design for Department of Defense vaccine production facility.
Sec. 2853. Grant relating to elementary school for dependents of Department of Defense personnel, Fort Belvoir, Virginia.
Sec. 2854. Allocation of space in Federal buildings to cerdit unions.
Sec. 2855. Study of effects of Air Force activities on Duck Valley Reservation.
Sec. 2856. Disposition of real property at missile sites to adjacent landowners.

TITLE XXIX—BASE CLOSURE ASSISTANCE

Sec. 2901. Short title.
Sec. 2902. Findings.
Sec. 2903. Prohibition on transfer of certain property located at military installations to be closed.
Sec. 2904. Authority to transfer property at closed or realigned installations to affected communities and States.
Sec. 2905. Authority to lease certain property at installations to be closed.
Sec. 2906. Delegation of authority to enter into leases of certain property.
Sec. 2907. Expedited determination of transferability of excess property of installations to be closed.
Sec. 2908. Availability of property and services for assisting the homeless.
Sec. 2909. Transition coordinators for assistance to communities affected by the closure of installations.

Sec. 2910. Coordination of activities of other Federal departments and agencies relating to installations to be closed.
Sec. 2911. Community Response Board.
Sec. 2912. Assistance to affected States and communities through the Office of Economic Adjustment.
Sec. 2913. Identification of uncontaminated property at installations to be closed.
Sec. 2914. Seminars on reuse or redevelopment of property at installations to be closed.
Sec. 2915. Compliance with certain environmental requirements relating to closure of installations.
Sec. 2916. Authority to contract for certain services at installations being closed or realigned.
Sec. 2917. Clarification of utilization of funds for community economic adjustment assistance.
Sec. 2918. Definitions.
Sec. 2919. Authority to contract for certain services at installations being closed or realigned.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects in the total amount of $603,553,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$28,250,000
Alaska	Fort Richardson	$10,770,000
	Fort Wainwright	$740,000
Arizona	Fort Huachuca	$8,850,000
California	Fort Irwin	$5,900,000
Colorado	Fitzsimmons Army Medical Center	$4,400,000
	Fort Carson	$4,050,000
Georgia	Fort Benning	$37,650,000
	Fort Gillen	$2,600,000
	Fort Stewart	$20,300,000
Hawaii	Schofield Barracks	$18,600,000
Kansas	Fort Riley	$14,642,000
Kentucky	Fort Campbell	$50,300,000
	Fort Knox	$41,350,000
Maryland	Aberdeen Proving Ground	$20,250,000
Missouri	Fort Leonard Wood	$1,000,000
Nevada	Hawthorne Army Ammunition Plant	$11,700,000
New Jersey	Fort Monmouth	$7,500,000
	Picatinny Arsenal	$10,500,000
New Mexico	White Sands Missile Range	$8,700,000
New York	Fort Drum	$9,800,000
	United States Military Academy, West Point	$13,800,000
North Carolina	Fort Bragg	$102,240,000
Oklahoma	Fort Sill	$15,700,000
Pennsylvania	Tobyhanna Army Depot	$750,000
South Carolina	Fort Jackson	$2,700,000
Texas	Fort Bliss	$14,000,000
	Fort Hood	$49,400,000
	Fort Sam Houston	$4,351,000
Utah	Dugway Proving Ground	$16,500,000
	Tooele Army Depot	$800,000
Virginia	Fort Belvoir	$8,860,000
	Fort Lee	$32,600,000
	Fort Myer	$6,800,000
Washington	Fort Lewis	$14,200,000
CONUS Classified	Classified Locations	$3,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects in the total amount of $26,500,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Army: Outside the United States

Country or other	Installation or location	Amount
Johnston Island	Johnston Island	$1,700,000
Kwajalein Atoll	Kwajalein	$21,200,000
OCONUS Classified	Classified Locations	$3,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) in the total amount of $138,950,000 at the installations, for the purposes, and in the amounts for such installations set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	$25,000,000
Hawaii	Schofield Barracks	348 units	$52,000,000
Maryland	Fort Meade	275 units	$26,000,000
New York	United States Military Academy, West Point	100 units	$15,000,000
North Carolina	Fort Bragg	224 units	$18,000,000
Wisconsin	Fort McCoy	16 units	$2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $77,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,369,330,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $603,553,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $26,500,000.

(3) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2586), $110,900,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $110,991,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $228,385,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,125,601,000, of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECT.—(1) The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2586) is amended by striking out the item relating to the Tooele Army Depot, Utah.

(2) Section 2105(a) of such Act (106 Stat. 2588) is amended—

(A) by striking out "$2,127,397,000" and inserting in lieu thereof "$2,118,197,000"; and

(B) in paragraph (1), by striking out "$338,860,000" and inserting in lieu thereof "$329,660,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1508) is amended by striking out the following items:

(A) Under the heading "NEW YORK", the item relating to Seneca Army Depot.

(B) Under the heading "VIRGINIA", the item relating to Vint Hill Farms Station.

(2) Section 2105(a) of such Act (105 Stat. 1511) is amended—

(A) by striking out "$2,576,674,000" and inserting in lieu thereof "$2,571,974,000"; and

(B) in paragraph (1), by striking out "$718,829,000" and inserting in lieu thereof "$714,129,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects in the total amount of $495,400,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Yuma Marine Corps Air Station.	$14,100,000
California	Barstow Marine Corps Logistics Base.	$8,690,000
	Camp Pendleton Marine Corps Air Station.	$3,850,000
	Camp Pendleton Marine Corps Base.	$11,130,000
	Fallbrook Naval Weapons Station Annex.	$4,630,000
	Lemoore Naval Air Station	$1,930,000
	San Diego Naval Hospital	$2,700,000
	San Diego Fleet Industrial Supply Center.	$2,270,000
	San Diego Marine Corps Recruit Depot.	$1,130,000
	Twentynine Palms Marine Corps Air-Ground Combat Center.	$7,900,000
Connecticut	New London Naval Submarine Base.	$36,740,000
District of Columbia.	Washington, Commandant, Naval District.	$3,110,000
	Naval Research Laboratory	$2,380,000
Florida	Jacksonville Naval Air Station.	$14,420,000
	Mayport Naval Station	$3,260,000
	Pensacola Naval Air Station	$6,420,000
Georgia	Albany Marine Corps Logistics Base.	$940,000
	Kings Bay Naval Submarine Base.	$10,920,000
	Kings Bay Trident Training Facility.	$3,870,000
Hawaii	Barbers Point Naval Air Station.	$2,700,000
	Honolulu, Naval Communications and Telecommunications Area Master Station, Eastern Pacific.	$9,120,000
	Pearl Harbor, Commander, Oceanographic System Pacific.	$16,780,000
	Pearl Harbor Naval Inactive Ship Maintenance Facility.	$2,620,000
	Pearl Harbor Naval Submarine Base.	$54,140,000
	Pearl Harbor Public Works Center.	$27,540,000
Maine	Kittery, Portsmouth Naval Shipyard.	$4,780,000
Maryland	Bethesda National Naval Medical Center.	$3,090,000
	Indian Head, Naval Surface Weapons Center.	$3,400,000
	Patuxent River Naval Air Station.	$1,000,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Mississippi	Pascagoula Naval Station	$3,900,000
	Gulfport Naval Construction Battalion Center.	$10,400,000
New Jersey	Earle Naval Weapons Station.	$2,580,000
North Carolina	Camp Lejeune Marine Corps Base.	$41,290,000
	Camp Lejeune Naval Hospital.	$2,370,000
	Cherry Point Marine Corps Air Station.	$7,500,000
Pennsylvania	Philadelphia Aviation Supply Office.	$1,900,000
	Philadelphia Naval Inactive Ship Maintenance Facility.	$8,660,000
Rhode Island	Newport, Naval Education and Training Center.	$11,300,000
South Carolina	Beaufort Marine Corps Air Station.	$10,900,000
	Charleston Naval Weapons Station.	$580,000
Tennessee	Memphis Naval Air Station	$1,450,000
Texas	Corpus Christi Naval Air Station.	$1,670,000
Virginia	Chesapeake, Marine Corps Security Battalion.	$5,380,000
	Craney Island Fleet and Industrial Supply Center Annex.	$11,740,000
	Norfolk, Commander, Operational Test and Evaluation Force.	$8,100,000
	Norfolk Naval Air Station	$12,270,000
	Norfolk Public Works Center	$5,330,000
	Portsmouth, Norfolk Naval Shipyard.	$13,420,000
	Quantico, Combat Development Command.	$7,450,000
	Wallops Island, Naval Surface Weapons Center Detachment.	$10,170,000
Washington	Bangor Naval Submarine Base.	$3,100,000
	Everett Naval Station	$34,000,000
	Keyport, Naval Undersea Warfare Center Division.	$8,980,000
Various Locations.	Wastewater Collection and Treatment Facilities.	$3,260,000
	Land Acquisition	$2,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects in the total amount of $95,650,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	Military Sealift Command Office.	$2,170,000
	Anderson Air Force Base Naval Air Facility.	$7,310,000
	Naval Magazine	$3,750,000
	Naval Ocean Communication Center.	$690,000
	Naval Station	$14,520,000
	Fleet/Industrial Supply Center.	$22,440,000
	Public Works Center	$20,680,000
Italy	Naples Naval Support Activity.	$11,740,000
	Sigonella Naval Air Station	$3,460,000
Spain	Rota Naval Station	$2,670,000
Various Locations.	Host Nation Infrastructure Support.	$2,960,000
	Land Acquisition	$800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section

2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) in the total amount of $164,149,000 at the installations, for the purposes, and in the amounts for such installations and purposes set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	$36,571,000
District of Columbia	Washington Navy Public Works Center	188 units	$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	$300,000
Georgia	Kings Bay Naval Submarine Base	Housing Office/Self Help/Warehouse	$790,000
Maine	Brunswick Naval Air Station	Mobile Home Spaces	$490,000
Virginia	Norfolk, Naval Public Works Center/Naval Amphibious Base Little Creek	392 units	$50,674,000
	Oceana Naval Air Station	Community Center	$860,000
Washington	Bangor Naval Submarine Base	290 units	$27,438,000
	Whidby Island, Naval Air Station	106 units	$10,000,000
United Kingdom	London Naval Activities Support	81 units	$15,470,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $183,135,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,866,186,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $495,400,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $95,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $64,373,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $370,208,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $835,055,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECTS.—(1) The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2589) is amended by striking out the items relating to the following installations:

(A) Mare Island Naval Shipyard, California.

(B) Miramar Naval Air Station, California.

(C) Cecil Field, Naval Air Station, Florida.

(D) Memphis, Naval Air Station, Tennessee.

(2) Section 2204(a) of such Act (106 Stat. 2592) is amended—

(A) by striking out "$1,450,529,000" and inserting in lieu thereof "$1,411,616,000";

(B) in paragraph (1), by striking out "$312,557,000" and inserting in lieu thereof "$274,897,000"; and

(C) in paragraph (5)(B), by striking out "$661,246,000" and inserting in lieu thereof "$659,993,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1514) is amended by striking out the following items:

(A) Under the heading "CALIFORNIA", the item relating to Vallejo, Mare Island Naval Shipyard.

(B) Under the heading "FLORIDA", the item relating to Pensacola, Naval Supply Center.

(C) Under the heading "SOUTH CAROLINA", the item relating to Charleston, Fleet and Mine Warfare Training Center.

(2) Section 2205(a) of such Act (105 Stat. 1518) is amended—

(A) by striking out "$1,832,149,000" and inserting in lieu thereof "$1,798,980,000";

(B) in paragraph (1), by striking out "$739,859,000" and inserting in lieu thereof "$706,969,000"; and

(C) in paragraph (4), by striking out "$12,400,000' and inserting in lieu thereof "$12,121,000".

(c) FISCAL YEAR 1990 PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1621) is amended under the heading "NEW YORK", by striking out the item relating to New York, Naval Station and inserting in lieu thereof the following:

"New York, Naval Station, $20,978,000.".

(2)(A) Section 2202(a) of such Act (103 Stat. 1626) is amended by striking out the item relating to San Francisco, Navy Public Works Center, California.

(B) The table relating to the Navy in section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2603) is amended by striking out the item relating to Navy Public Works Center, San Francisco, California.

(3) Section 2204(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1626) is amended—

(A) by striking out "$1,962,935,000" and inserting in lieu thereof "$1,925,273,000";

(B) in paragraph (1), by striking out "$915,511,000" and inserting in lieu thereof "$910,849,000";

(C) in paragraph (5), by striking out "$5,810,000" and inserting in lieu thereof "$2,810,000"; and

(D) in paragraph (6)(A), by striking out "$191,290,000" and inserting in lieu thereof "$157,290,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects in the total amount of $864,752,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex.	$4,680,000
	Maxwell Air Force Base	$16,170,000
Alaska	Cape Romanzof Long Range Radar Site	$3,350,000
	Eielson Air Force Base	$13,300,000
	Elmendorf Air Force Base	$33,305,000
	Fort Richardson	$5,000,000
Arizona	Davis-Monthan Air Force Base.	$7,350,000
	Luke Air Force Base	$12,750,000
	Navajo Army Depot	$7,250,000
Arkansas	Little Rock Air Force Base	$4,500,000
California	Edwards Air Force Base	$11,300,000
	McClellan Air Force Base	$1,900,000
	Travis Air Force Base	$14,040,000
	Vandenberg Air Force Base	$20,728,000
Colorado	Buckley Air National Guard Base.	$39,000,000
	Cheyenne Mountain Air Force Base	$4,450,000
	Peterson Air Force Base	$21,030,000
	United States Air Force Academy.	$11,680,000
Delaware	Dover Air Force Base	$7,760,000
District of Columbia.	Bolling Air Force Base	$2,000,000
Florida	Cape Canaveral Air Force Station.	$19,200,000
	Eglin Air Force Base	$12,050,000
	Eglin Auxiliary Field No. 9	$7,829,000
	Patrick Air Force Base	$3,850,000
	Tyndall Air Force Base	$2,600,000
Georgia	Moody Air Force Base	$16,070,000
	Robins Air Force Base	$55,370,000
Hawaii	Hickam Air Force Base	$13,800,000
	Kaena Point	$7,350,000
Illinois	Scott Air Force Base	$7,450,000
Kansas	McConnell Air Force Base	$1,900,000
Louisiana	Barksdale Air Force Base	$13,860,000
Maryland	Andrews Air Force Base	$17,990,000
Mississippi	Columbus Air Force Base	$2,900,000
	Keesler Air Force Base	$8,710,000
Missouri	Whiteman Air Force Base	$36,388,000
Montana	Malmstrom Air Force Base	$7,700,000
Nebraska	Offutt Air Force Base	$11,000,000
Nevada	Nellis Air Force Base	$5,750,000
New Mexico	Cannon Air Force Base	$8,915,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Holloman Air Force Base	$11,100,000
	Kirtland Air Force Base	$42,161,000
North Carolina	Pope Air Force Base	$8,600,000
	Seymour Johnson Air Force Base.	$5,380,000
North Dakota	Grand Forks Air Force Base	$12,800,000
	Minot Air Force Base	$14,500,000
Ohio	Wright-Patterson Air Force Base.	$44,680,000
Oklahoma	Altus Air Force Base	$6,930,000
	Tinker Air Force Base	$28,649,000
	Vance Air Force Base	$6,000,000
South Carolina	Charleston Air Force Base	$1,100,000
	Shaw Air Force Base	$5,870,000
South Dakota	Ellsworth Air Force Base	$6,830,000
Tennessee	Arnold Air Force Base	$1,500,000
Texas	Dyess Air Force Base	$10,390,000
	Goodfellow Air Force Base	$3,700,000
	Kelly Air Force Base	$27,481,000
	Lackland Air Force Base	$30,093,000
	Laughlin Air Force Base	$8,650,000
	Randolph Air Force Base	$5,300,000
	Reese Air Force Base	$900,000
	Sheppard Air Force Base	$18,030,000
Utah	Hill Air Force Base	$8,380,000
Virginia	Langley Air Force Base	$17,823,000
Washington	Fairchild Air Force Base	$3,500,000
	McChord Air Force Base	$10,900,000
Wyoming	F.E. Warren Air Force Base	$12,640,000
Various Locations	Classified	$8,140,000

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	$1,000,000
Ascension Island	Ascension Auxiliary Air Field	$3,400,000
Germany	Ramstein Air Base	$3,100,000
Greenland	Thule Air Base	$5,492,000
Guam	Andersen Air Force Base	$4,100,000
Indian Ocean	Diego Garcia Air Base	$2,260,000
Oman	Thumrait Air Base	$1,800,000
Turkey	Incirlik Air Base	$2,400,000
United Kingdom	RAF Mildenhall	$4,800,000
Classified	Classified Location	$5,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects in the total amount of $33,852,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) in the total amount of $130,264,000 at the installations, for the purposes, and in the amounts for such installations and purposes set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	$4,080,000
Arkansas	Little Rock Air Force Base	Housing office/Maintenance facility	$980,000
California	Vandenberg Air Force Base	166 units	$21,907,000
Florida	Patrick Air Force Base	155 units	$15,388,000
	Tyndall Air Force Base	Infrastructure	$5,732,000
Georgia	Robins Air Force Base	118 units	$7,424,000
Illinois	Scott Air Force Base	Cardinal Creek Housing units	$20,000,000
Louisiana	Barksdale Air Force Base	118 units	$8,578,000
Massachusetts	Hanscom Air Force Base	48 units	$5,135,000
Montana	Malmstrom Air Force Base	Housing office	$581,000
Texas	Dyess Air Force Base	Housing maintenance facility	$281,000
	Lackland Air Force Base	111 units	$8,770,000
Virginia	Langley Air Force Base	Housing office	$452,000
Washington	Fairchild Air Force Base	1 unit	$184,000
Wyoming	F.E. Warren Air Force Base	104 units	$10,572,000
Italy	Comiso Air Base	460 units	$20,200,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $75,070,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,101,925,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $864,752,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $33,852,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $6,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,180,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2593) for the construction of the Climatic Test Chamber, Eglin Air Force Base, Florida, $57,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $215,235,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $853,912,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 PROJECTS.—(1) The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2593) is amended by striking out the item relating to March Air Force Base, California.

(2) The table in section 2302(a) of such Act (106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(3) Section 2303 of such Act (106 Stat. 2596) is amended by striking out "$150,000,000" and inserting in lieu thereof "$139,649,000".

(4) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out "$2,062,707,000" and inserting in lieu thereof "$2,011,755,000";

(B) in paragraph (1), by striking out "$667,290,000" and inserting in lieu thereof "$665,040,000"; and

(C) in paragraph (5)(A), by striking out "$283,786,000" and inserting in lieu thereof "$235,084,000".

(b) FISCAL YEAR 1992 PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended—

(A) under the heading "CALIFORNIA", by striking out the item relating to March Air Force Base and inserting in lieu thereof the following:

"March Air Force Base, $7,272,000.";

(B) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(C) under the heading "NEW YORK"—

(i) by striking out the item relating to Griffiss Air Force Base; and

(ii) by striking out the item relating to Plattsburgh Air Force Base and inserting in lieu thereof the following:

"Plattsburgh Air Force Base, $960,000.".

(2) Section 2303 of such Act (105 Stat. 1526) is amended by striking out "$141,236,000" and inserting in lieu thereof "$134,836,000".

(3) Section 2305(a) of such Act (105 Stat. 1525) is amended—

(A) by striking out "$2,089,303,000" and inserting in lieu thereof "$2,066,585,000";

(B) in paragraph (1), by striking out "$778,970,000" and inserting in lieu thereof "$762,652,000"; and

(C) in paragraph (8)(A), by striking out "$161,583,000" and inserting in lieu thereof "$155,183,000".

SEC. 2306. RELOCATION OF STUDENT DORMITORY PROJECT TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out the item relating to Beale Air Force Base and inserting in lieu thereof the following:

"Beale Air Force Base, $9,950,000."; and

(2) by striking out the item relating to Sierra Army Depot.

SEC. 2307. RELOCATION OF MUNITION MAINTENANCE FACILITY PROJECT TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out the item relating to Beale Air Force Base and inserting in lieu thereof the following:

"Beale Air Force Base, $4,950,000."; and

(2) by striking out the item relating to Sierra Army Depot.

SEC. 2308. RELOCATION OF COMBAT ARMS TRAINING AND MAINTENANCE FACILITY PROJECT TO SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading "HAWAII" by striking out the item relating to Wheeler Air Force Base and inserting in lieu thereof the following:

"Schofield Barracks Open Range, $1,400,000.

"Wheeler Air Force Base, $2,100,000.".

SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer any funds made available for the construction of family housing at Scott Air Force Base, Illinois, pursuant to the authorization for such construction in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595) to the County of Saint Clair, Illinois, in order to assist the County of Saint Clair in the construction, at a location determined by the Secretary, of a family housing complex to replace the Cardinal Creek Housing Complex, Scott Air Force Base.

SEC. 2310. INCREASE IN AUTHORIZED UNIT COST FOR CERTAIN FAMILY HOUSING, RANDOLPH AIR FORCE BASE, TEXAS.

Section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1635) is amended in the matter relating to Randolph Air Force Base, Texas, by striking out "$78,000" and inserting in lieu thereof "$95,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects in the total amount of $256,902,000 for the installations and locations inside the United States, and in the amounts for such installations and locations, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.	Defense Reutilization and Marketing Office, Fairbanks, Alaska.	$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California.	$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii.	$2,250,000
	Defense Construction Supply Center, Columbia, Ohio.	$3,100,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah.	$1,700,000
	Defense General Supply Center, Richmond, Virginia.	$17,000,000
	Fort Belvoir, Virginia	$5,200,000
Defense Medical Facility Office.	Edwards Air Force Base, California.	$1,700,000
	Fort Detrick, Maryland	$4,300,000
	Offutt Air Force Base, Nebraska.	$1,100,000
	Cannon Air Force Base, New Mexico.	$13,600,000
	Grand Forks Air Force Base, North Dakota.	$860,000
	Ellsworth Air Force Base, South Dakota.	$1,400,000
	Fort Sam Houston, Texas	$4,800,000
	Fort Eustis, Virginia	$3,650,000
	Fairchild Air Force Base, Washington.	$8,250,000
National Security Agency.	Fort Meade, Maryland	$58,630,000
Office Secretary of Defense.	Various Locations, Special Activities, Air Force.	$5,600,000
Section 6 Schools.	Fort McClellan, Alabama	$2,798,000
	Robins Air Force Base, Georgia.	$3,160,000
	Fort Campbell, Kentucky	$13,182,000
	Fort Knox, Kentucky	$7,707,000
	Fort Polk, Louisiana	$4,950,000
	Camp Lejeune, North Carolina.	$1,793,000
	Fort Bragg, North Carolina	$8,838,000
	Quantico Marine Corps Base, Virginia.	$422,000
Special Operations Force.	Eglin Auxiliary Field No. 9, Florida.	$19,582,000
	Fort Campbell, Kentucky	$6,950,000
	Fort Bragg, North Carolina	$38,450,000
	Olmstead Field, Pennsylvania.	$1,300,000
	Little Creek Naval Amphibious Base, Virginia.	$7,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects in the total amount of $26,113,000 for the installations and locations outside the United States, and in the amounts for such installations and locations, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.	Diego Garcia	$9,558,000
	Roosevelt Roads, Puerto Rico.	$5,800,000
Various locations.	Various classified projects	$10,755,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,097,814,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $256,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $26,113,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), $75,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1639), $211,900,000.

(5) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), $135,000,000.

(6) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993, $195,000,000.

(7) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993, $5,000,000.

(8) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(10) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(11) For energy conservation projects authorized by section 2402, $50,000,000.

(12) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), $12,830,000.

(13) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), $3,026,310,000.

(14) For military family housing functions (including functions described in section 2833

of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) LIMITATION ON OBLIGATIONS.—Funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in subsection (a)(1) may not be obligated for any of the following projects in excess of the amount set forth for such project as follows:

(1) Construction of an Army medical center at Fort Bragg, North Carolina, $160,000,000.

(2) Construction of a naval hospital at Portsmouth, Virginia, $171,900,000.

(3) Construction of the hospital at Elmendorf Air Force Base, Alaska, $98,000,000.

SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 PROJECTS.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1528) is amended by striking out the following items:

(1) Under the heading "DEFENSE LOGISTICS AGENCY", the item relating to Dayton Defense Electronic Supply Center, Ohio.

(2) Under the heading "DEFENSE MEDICAL FACILITIES OFFICE", the items relating to—

(A) Homestead Air Force Base, Florida; and

(B) Dallas Naval Air Station, Texas.

(b) CONFORMING AMENDMENTS.—Section 2404 of such Act (105 Stat. 1531) is amended—

(1) in subsection (a)—

(A) by striking out "$1,680,940,000" and inserting in lieu thereof "$1,665,440,000"; and

(B) by striking out "$434,500,000" in paragraph (1) and inserting in lieu thereof "$419,000,000"; and

(2) in subsection (c)—

(A) by inserting "and" in paragraph (1) after the semicolon;

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $240,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $277,051,000; and

(B) for the Army Reserve, $124,794,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,013,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $233,793,000; and

(B) for the Air Force Reserve, $68,427,000.

SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1993 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended by striking out "$17,200,000" and inserting in lieu thereof "$10,700,000".

(b) FISCAL YEAR 1992 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1534) is amended by striking out "$56,900,000" and inserting in lieu thereof "$31,800,000".

(c) FISCAL YEAR 1991 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1781) is amended by striking out "$80,307,000" and inserting in lieu thereof "$78,667,000".

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645) is amended by striking out "$56,600,000" and inserting in lieu thereof "$54,250,000".

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—(1) The projects referred to in subsection (a) for the Army, in the total amount of $38,200,000, are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Aberdeen Proving Ground	Toxicology Research Facility	$33,000,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

(2) In the projects referred to in subsection (a) for the Air Force, in the total amount of $39,450,000, are as follows:

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	$5,000,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
Hawaii	Hickam Air Force Base	Dormitory	$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	$1,400,000

Air Force: Extension of 1991 Project Authorizations—Continued

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	$2,750,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

(3) The project referred to in subsection (a) for Defense Agencies, in the total amount of $9,500,000, is as follows:

Defense Agencies: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2603), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The projects referred to in subsection (a) for the Air Force, in the total amount of $19,000,000, are as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Lowry Air Force Base	Computer Operations Facility	$15,500,000
	Lowry Air Force Base	Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XVI shall take effect on the later of—

(1) October 1, 1993; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. REVISION OF MILITARY FAMILY HOUSING RENTAL AUTHORITY.

(a) ANNUAL ADJUSTMENT OF MAXIMUM LEASE AMOUNT FOR LEASES IN THE UNITED STATES.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following:

"(4) The maximum lease amount under paragraphs (2) and (3) shall be increased on January 1 of each year by a percentage equal to the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for September 30 of the preceding year exceeds the Consumer Price Index for All Urban Consumers for September of the year before such preceding year.".

(b) INCREASED MAXIMUM LEASE AMOUNT FOR 300 LEASED UNITS IN FOREIGN COUNTRIES.—Paragraph (1) of subsection (e) of such section is amended—

(1) in the first sentence—

(A) by striking out "Expenditures" and inserting in lieu thereof "(A) Except as provided in subparagraphs (B) and (C), expenditures"; and

(B) by striking out "from October 1, 1987";

(2) by designating the third sentence as subparagraph (C);

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following:

"(B) Expenditures for the rental of not more than 300 units of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may exceed the maximum amount that, except for this subparagraph, would be applicable under subparagraph (A) but may not exceed $25,000 per unit per annum as adjusted for foreign currency fluctuations from October 1, 1987."; and

(4) in subparagraph (C), as designated by paragraph (2), by striking out "That maximum lease amount" and inserting in lieu thereof "The maximum lease amounts set forth in subparagraphs (A) and (B).".

(c) ANNUAL ADJUSTMENT IN MAXIMUM LEASE AMOUNT FOR LEASES IN FOREIGN COUNTRIES.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1), as so amended, the following:

"(3) The maximum lease amount under subparagraphs (A) and (B) of paragraph (1) shall be increased on January 1 of each year by a percentage equal to the percentage by which the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for September of the preceding year exceeds the Consumer Price Index for All Urban Consumers for September of the year before such preceding year.".

(d) CONFORMING AMENDMENT.—Section 2834(b) of title 10, United States Code, is amended by striking out "amount may be waived by the Secretary concerned under the second sentence of section 2828(e)(1) of this title" and inserting in lieu thereof "amounts under section 2828(e)(1) of this title may be waived by the Secretary concerned under subparagraph (C) of such section".

SEC. 2802. USE OF PROCEEDS OF SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

(a) AVAILABILITY OF PROCEEDS.—Section 2483(b) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof the following: " and may be used as follows:

"(1) To carry out minor military construction projects under section 2805 of this title that are designed to increase energy conservation.

"(2) To carry out military construction projects under the comprehensive energy performance plan developed by the Secretary of Defense under section 2865(a) of this title.".

(b) USE OF PROCEEDS.—Section 2865(b)(1) of title 10, United States Code, is amended by inserting "and the funds available under section 2483(b) of this title" after "subsection (d)(2),".

(c) TECHNICAL AMENDMENTS.—Section 2865(b) of such title is amended—

(1) in paragraph (1), by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(2) in paragraph (2), by striking out "The amount" and inserting in lieu thereof "The Secretary shall provide that the amount".

SEC. 2803. ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.

Section 2865 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) REPLACEMENT OF ENERGY-INEFFICIENT SYSTEMS, OPERATIONS, AND PROCESSES.—(1) Energy conservation measures identified and accomplished under the energy performance plan developed pursuant to subsection (a) may include—

"(A) replacement of an existing energy consuming system with the best available energy-saving technology; and

"(B) replacement of an existing maintenance operation or process with a maintenance operation or process that results in energy conservation.

"(2) In paragraph (1), the term 'energy consuming system' includes—

"(A) lighting equipment;

"(B) a lighting system;

"(C) heating equipment;

"(D) a heating system;

"(E) cooling equipment;

"(F) a cooling and ventilating system;

"(G) industrial equipment; and

"(H) an industrial system.".

SEC. 2804. AUTHORITY TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) ACQUISITION AUTHORITY.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2813. Acquisition of existing facilities in lieu of authorized construction

"The Secretary concerned may acquire an existing facility (including the real property

on which the facility is located) at or near a military installation instead of carrying out a military construction project authorized by law for that military installation, and may use funds appropriated for the military construction project to do so, if—

"(1) the Secretary determines that—

"(A) the acquisition of such facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(B) it is in the best interests of the United States to acquire such facility instead of carrying out the military construction project; and

"(2) the Secretary has transmitted to the Committees on Armed Services of the Senate and House of Representatives a written notification of the determination to acquire the existing facility, including the reasons for acquiring that facility instead of carrying out the authorized military construction project.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2813. Acquisition of existing facilities in lieu of authorized construction.".

(b) APPLICABILITY.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to projects authorized on or after the date of the enactment of this Act and to projects authorized before such date for which construction contracts have not been awarded before such date.

SEC. 2805. TREATMENT OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOL UNDER LIMITATION ON FAMILY HOUSING RENTALS OVERSEAS.

Section 2834(b) of title 10, United States Code, as amended by section 2801(d), is further amended by striking out "included." and inserting in lieu thereof "excluded.".

SEC. 2806. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF EXPIRING AUTHORITY.—Section 2680(d) of title 10, United States Code, is amended by striking out "September 30, 1993." and inserting in lieu thereof "September 30, 1995.".

(b) EXTENSION OF REPORTING REQUIREMENT.—Section 2863(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2680 note) is amended by striking out "March 1, 1993, and March 1, 1994," and inserting in lieu thereof "March 1 of each of the years 1994, 1995, and 1996,".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES OF THE DEFENSE BASE CLOSURE ACCOUNT 1990.

Section 2906(c)(1) 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—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) The report for a fiscal year shall include the following:

"(i) The expenditures, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which obligations for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were proposed; and

"(II) any obligations for military construction projects that were not proposed.".

SEC. 2812. BASE CLOSURE CRITERIA.

(a) REQUIREMENT.—In developing base closure and realignment selection criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note), the Secretary of Defense shall consider whether the criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) REPORT ON AMENDMENT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any criteria proposed in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990. The report shall include a discussion of the proposed criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the proposed criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2813. LIMITATION ON EXPENDITURE OF FUNDS FROM THE DEFENSE BASE CLOSURE ACCOUNT 1990 FOR MILITARY CONSTRUCTION IN SUPPORT OF TRANSFERS OF FUNCTIONS.

(a) LIMITATION.—If the Secretary of Defense recommends to the Base Closure and Realignment Commission pursuant to section 2903(c) of the 1990 base closure Act that an installation be closed or realigned, the Secretary identifies in documents submitted to the Commission one or more installations to which a function performed at the recommended installation would be transferred, and the recommended installation is closed or realigned pursuant to such Act, then, except as provided in subsection (b) and notwithstanding any other provision of law, funds in the Defense Base Closure Account 1990 may not be used for military construction in support of the transfer of that function to any installation other than an installation so identified in such documents.

(b) EXCEPTION.—The limitation in subsection (a) ceases to be applicable to military construction in support of the transfer of a function to an installation on the 60th day following the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a notification of the proposed transfer that—

(1) identifies the installation to which the function is to be transferred; and

(2) includes the justification for the transfer to such installation.

(c) DEFINITION.—In this section:

(1) The term "1990 base closure Act" 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).

(2) The term "Defense Base Closure Account 1990" means the account established under section 2906 of the 1990 base closure Act.

SEC. 2814. EVALUATION AND REPORT ON PROPOSALS FOR PURCHASE OR LEASE OF CERTAIN FACILITIES, ARLINGTON, VIRGINIA.

(a) EVALUATION.—(1) The Secretary of the Navy shall evaluate the proposals referred to in paragraph (2) for leasing or purchasing for the Navy any of the buildings described in paragraph (3).

(2) Under paragraph (1), the Secretary shall consider proposals presented to the Secretary the proposals that were presented to the 1993 Defense Base Closure and Realignment Commission regarding the building described in paragraph (3).

(3) The buildings referred to in paragraphs (1) and (2) are buildings located in Arlington, Virginia, that are currently leased by the Navy under leases that will terminate as a result of the transfer of Navy functions from such buildings under the base closure process.

(b) REPORT.—(1) The Secretary shall submit to the congressional defense committees a report on the evaluation required under subsection (a). The report shall include the following:

(A) An assessment of the reasonableness of each proposal in light of market conditions at the time of the report.

(B) A comparison of the cost of retaining the functions referred to in subsection (a)(1) at the buildings referred to in that subsection through the lease or purchase of such buildings with the cost of transferring such functions in accordance with the base closure process.

(C) An assessment of the impact on the military capabilities of the Navy of retaining the Naval Systems Command in close proximity to the Pentagon.

(2) The Secretary shall submit the report not later than 180 days after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section,

(1) The term "base closure process" means the process for selecting military installations for closure or realignment established 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) The term "1993 Defense Base Closure and Realignment Commission" means the commission appointed in 1993 under section 2902 of such Act.

SEC. 2815. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.

(a) ANNUAL REPORTS.—Subsection (a) of section 1304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1), by inserting "by installation" after "basing plan";

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the status of negotiations, if any, between the United States and the host government as to United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and to any claims of the host government for damages or restoration of the installation, including the representative of the United States in any such negotiations;";

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs (5) and (6):

"(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in

constant dollars based on the date of completion of the improvements;

"(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and".

(b) OMB REVIEW OF PROPOSED SETTLEMENTS.—Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(g) OMB REVIEW OF PROPOSED SETTLEMENTS.—The Secretary of Defense may not enter into an agreement of settlement with a host country regarding the release to the host country of improvements made by the United States at facilities at an installation until the Secretary submits the proposed settlement to the Director of the Office of Management and Budget and 30 days elapse after the date of such submittal. The Director shall evaluate the overall equity of the proposed settlement. In evaluating the proposed settlement, the Director shall consider such factors as the extent of the United States capital investment in the improvements being released to the host country, depreciation, the condition of the improvements, and any applicable requirements for environmental remediation or restoration.".

SEC. 2816. JUSTIFICATION OF RECOMMENDATIONS FOR CLOSURE OR REALIGNMENT OF INSTALLATIONS PREVIOUSLY CONSIDERED FOR CLOSURE OR REALIGNMENT.

(a) REQUIREMENT.—(1)(A) The Secretary of Defense shall include with the recommendation of the Secretary for the closure or realignment under a base closure law of an installation referred to in subparagraph (B) the justification described in paragraph (2).

(B) An installation referred to in subparagraph (A) is any installation recommended by the Secretary of Defense for closure or realignment under a base closure law in a year before the date of the enactment of this Act and not recommended for closure or realignment by a base closure and realignment commission in its recommendations for closure and realignment in that year by reason of the failure of the Secretary's recommendation to meet the criteria or force structure plan, as the case may be, upon which the Secretary's recommendation was based.

(2) A justification referred to in paragraph (1) shall include—

(A) an explanation of—

(i) the manner, if any, in which the recommendation of the Secretary for the closure or realignment of an installation referred to in paragraph (1)(A) is the direct result of—

(I) an amendment to the criteria used by the Secretary in making the recommendation since the Secretary's previous recommendation; or

(II) changes in the force-structure plan (or other military requirements) since such previous recommendation; and

(B) the manner, if any, in which the making of such recommendation in accordance with such amendment or changes eliminates the failure referred to in paragraph (1)(B); or

(2) in the event that such recommendation is not the direct result of such amendment or changes, an explanation of the manner in which such recommendation addresses the failure referred to in paragraph (1)(B).

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) 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).

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

SEC. 2817. EMPLOYMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) IN GENERAL.—(1) The Secretary of Defense may, in keeping with the cost saving and cleanup schedule goals of the Department of Defense with respect to the closure of military installations—

(A) provide such training to the personnel described in paragraph (2) as the Secretary determines necessary in order to qualify such personnel to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed pursuant to a base closure law; and

(B) employ such personnel to carry out such activities, or require contractors engaged in carrying out such activities to employ such personnel.

(2) The personnel referred to in paragraph (1) are Department of Defense civilian personnel whose employment would be terminated (except for the employment of such personnel under paragraph (1)) by reason of the closure of a military installation pursuant to a base closure law.

(3) This subsection shall not be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations referred to in paragraph (1)(A).

(b) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under subsection (a) to persons employed at any military installation whose closure pursuant to a base closure law will directly result in the termination of the employment of at least 1,000 Department of Defense civilian employees.

(c) FUNDING.—Notwithstanding any other provision of law, the Secretary may carry out the training and employment referred to in subsection (a) using funds available for environmental training in addition to funds in the following accounts:

(1) The Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Department of Defense Base Closure Account 1990 established under section 2906 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).

(d) DEFINITION.—In this section, the term "base closure law" means the following:

(1) 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).

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

SEC. 2818. REPORTS ON COSTS OF THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.-

(a) ESTIMATED COSTS OF CLOSURES AND REALIGNMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the costs (other than costs related to environmental restoration and remediation) estimated at the time of the report of the closure or realignment of any military installation referred to in paragraph (2) under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) as follows:

(A) Not later than 6 months after the date of the enactment of this Act, in the case of such installations approved for closure or realignment under such Act in 1991 and not closed or realigned on such date.

(B) Not later than January 1, 1995, in the case of such installations approved for closure or realignment under such Act in 1993.

(2) A military installation referred to in paragraph (1) is an installation whose closure or realignment results in the termination of employment at the installation of not less than 1,000 Department of Defense civilian employees.

(b) EXCESS COSTS.—If the costs (other than costs related to environmental restoration and remediation) to be incurred by the Secretary in carrying out the closure or realignment under a base closure law of a military installation referred to in subsection (a) exceeds by more than 50 percent the costs estimated for such closure or realignment in the cost estimate prepared by the Secretary in recommending the installation for closure or realignment—

(1) the Secretary shall notify the Comptroller General that the costs of such closure or realignment will exceed such estimated costs; and

(2) not later than 6 months after the date of such notification, the Comptroller General shall submit to such committees a detailed audit of the costs to be incurred by the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such costs estimate.

(c) ANNUAL REPORT ON EXCESS COSTS.—(1) The Secretary shall submit to the congressional defense committees an annual report on the estimated costs of activities related to the closure or realignment, as the case may be, of each installation for which the Secretary makes the determination referred to in subsection (b).

(2) Each report under paragraph (1) shall include—

(A) an estimate of the costs to be incurred by the Secretary in completing the closure or realignment, as the case may be, of the installation; and

(B) if the amount of such costs exceed the amount of estimated costs for such completion in the report on the installation submitted under this section in the previous year, an explanation of such excess.

(3) The Secretary shall submit the report required under paragraph (1) at the same time as the President submits to Congress the budget for the Department of Defense under section 1105 of title 31, United States Code. The Secretary shall submit a report for each installation referred to in that paragraph until the completion of the closure or realignment, as the case may be, of such installation.

(d) REQUIREMENT RELATING TO REPORTS.—Costs shall be expressed in each report required under this section in constant fiscal year 1993 dollars.

(e) DEFINITION.—In this section, the term "base closure law" means the following:

(1) 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).

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

SEC. 2819. CONSULTATION REQUIREMENT FOR LOCAL REUSE AUTHORITIES AND GOVERNMENTS.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2907, is further amended by adding at the end the following new subparagraphs (I) and (J):

"(I) Subject to subparagraph (J), the local reuse authority with respect to a military installation closed under this part, or the local government in whose jurisdiction the installation is wholly located, as the case may be, shall certify to the Secretary that such authority or government, as the case may be, has consulted in the efforts of such authority or government on such plan and, to the maximum extent practicable, included in such efforts the following:

"(i) The civilian employees of the Department of Defense at such installation.

"(ii) The regional and local chambers of commerce, if any, in such vicinity of the installation.

"(iii) Appropriate representatives of any governmental entity in the region in which such installation is located, if the number of employees of such installation on the date of the approval of closure of such installation constitutes more than 5 percent of the total civilian workforce of the area under the jurisdiction of such governmental entity.

"(J)(i) The certification required under subparagraph (I) shall be submitted, in the case of installations approved for closure under this part for which no reutilization and redevelopment plan has been submitted to the Secretary on or before the date of the enactment of this Act, before the submittal of such plans for such installations.

"(ii) Each local reuse authority or local government, as the case may be, that has submitted an interim reutilization and redevelopment plan to the Secretary under this part on or before the date of the enactment of this Act shall submit a certification to the Secretary under subparagraph (I) before the submittal of its final reutilization and redevelopment plan.".

Subtitle C—Land Transactions

SEC. 2831. CONVEYANCE OF NATURAL GAS DISTRIBUTION SYSTEM, FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Washington Gas Company, Virginia (in this section referred to as "Washington Gas Company"), all right, title, and interest of the United States in and to the natural gas distribution system described in paragraph (2).

(2) The natural distribution gas system referred to in paragraph (1) is the natural gas distribution system, located at Fort Belvoir, Virginia, consisting of approximately 15.6 miles of natural gas distribution lines and the equipment, fixtures, structures, and other improvements owned and utilized by the Federal Government at Fort Belvoir in order to provide natural gas to and distribute natural gas at Fort Belvoir. The natural gas distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Washington Gas Company the following easements relating to the conveyance of the natural gas distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to provide access to the natural gas distribution system for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the natural gas distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the natural gas distribution system authorized in subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the natural gas distribution system authorized by subsection (a) is subject to the following conditions:

(1) That Washington Gas Company provide natural gas to and distribute natural gas at Fort Belvoir at a rate that is no less favorable than the rate Washington Gas Company would charge a public or private consumer of natural gas similar to Fort Belvoir for the provision and distribution of natural gas.

(2) That Washington Gas Company maintain, repair, conduct safety inspections, and conduct leak test surveys required for the natural gas distribution system.

(3) That Washington Gas Company, at no cost to the Federal Government, expand and upgrade the natural gas distribution system as necessary to meet the increasing needs of Fort Belvoir for natural gas that will result from conversion, to the extent anticipated by the Secretary at the time of conveyance, of oil-burning utilities at Fort Belvoir to natural gas-burning utilities.

(4) That Washington Gas Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing natural gas to Fort Belvoir through the natural gas distribution system.

(5) That Washington Gas Company not commence any expansion of the natural gas distribution system without approval of such expansion by the commander of Fort Belvoir.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Washington Gas Company in accordance with subsection (d) is at least equal to the fair market value of the natural gas distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Washington Gas Company is not complying with the conditions set forth in subsection (d), all right, title, and interest of Washington Gas Company in and to the natural gas distribution system conveyed pursuant to subsection (a), including improvements thereto and any modifications made to the system by Washington Gas Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate possession, including the right to operate the system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment, fixtures, structures, and improvements to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Washington Gas Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. CONVEYANCE OF WATER DISTRIBUTION SYSTEM, FORT LEE, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the American Water Company, Virginia (in this section referred to as "American Water Company"), all right, title, and interest of the United States in and to the water distribution system described in paragraph (2).

(2) The water distribution system described in paragraph (1) is the water distribution system located at Fort Lee, Virginia, consisting of approximately 7 miles of transmission lines, 85 miles of distribution and service lines, fire hydrants, elevated storage tanks, pumping stations, and other improvements, owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Lee. The water distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to American Water Company the following easements relating to the conveyance of the water distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and American Water Company jointly determine are necessary in order to provide for access by American Water Company to the water distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and American Water Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized by subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the water distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That American Water Company provide water to and distribute water at Fort Lee at a rate that is no less favorable than the rate American Water Company would charge a public or private consumer of water similar to Fort Lee for the provision and distribution of water.

(2) That American Water Company maintain, repair, and conduct safety inspections of the water distribution system.

(3) That American Water Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing water at Fort Lee through the water distribution system.

(4) That American Water Company not commence any expansion of the water distribution system without approval of such expansion by the commander of Fort Lee.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by American Water Company in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that American Water Company is not complying with the conditions specified in subsection (d), all right, title, and interest of American Water Company in and to the water distribution system

conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by American Water Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the immediate right to operate the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the water distribution system to be conveyed pursuant to subsection (a), including any easements granted with respect to such system under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by American Water Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. CONVEYANCE OF WASTE WATER TREATMENT FACILITY, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon, located at Fort Pickett, Virginia.

(b) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town design and carry out such expansion or improvement of the waste water treatment facility as the Secretary and the Town jointly determine necessary in order to ensure operation of the facility in compliance with all applicable Federal and State environmental laws (including any permit or license requirements).

(2) That the Town operate the waste water treatment facility in compliance with such laws.

(3) That the Town provide disposal services, waste water treatment services, and other related services to Fort Pickett at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Fort Pickett for the provision of such services.

(4) That the Town reserve 75 percent of the operating capacity of the waste water treatment facility for use by the Army in the event that such use is necessitated by a realignment or change in the operations of Fort Pickett.

(5) That the Town accept liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any environmental restoration or remediation required at the facility by reason of the provision of waste water treatment services at the facility to entities other than the Army.

(c) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the waste water treatment facility conveyed pursuant to subsection (a).

(d) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (b), all right, title, and interest in and to the real property (including the waste water treatment system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the waste water treatment system.

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

(f) ENVIRONMENTAL COMPLIANCE.—(1) The Town shall be responsible for compliance with all applicable environmental laws and regulations, including any permit or license requirements. The Town shall also be responsible for executing and constructing environmental improvements to the plant as required by applicable law.

(2) The Secretary, subject to the availability of appropriated funds, and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity as determined by the Secretary under subsection (c).

(3) The Secretary of the Army shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. CONVEYANCE OF WATER DISTRIBUTION SYSTEM AND RESERVOIR, STEWART ARMY SUBPOST, NEW YORK.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of New Windsor, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at the Stewart Army Subpost, New York:

(A) A parcel of real property consisting of approximately 7 acres, including a reservoir and improvements thereon, the site of the Stewart Army Subpost water distribution system.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are owned and utilized by the Federal Government in order to provide water to and distribute water at Stewart Army Subpost.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of that subsection for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized in subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town provide water to and distribute water at Stewart Army Subpost at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Stewart Army Subpost for the provision and distribution of water.

(2) That the Town operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(3) That the Town not commence any expansion of the water distribution system without approval of such expansion by the commander of Stewart Army Subpost.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (d), all right, title, and interest of the Town in and to the property (including the water distribution system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the water distribution system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence, shall be borne by the Town.

(h) ENVIRONMENTAL CLEANUP.—The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance authorized under subsection (a) and the easements granted under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LEASE OF REAL PROPERTY, CAMP PENDLETON MARINE CORPS BASE, CALIFORNIA.

(a) AUTHORITY TO ENTER INTO LEASE.—(1) The Secretary of the Navy may lease to Tri-Cities Municipal Water District, California (in this section referred to as the "District"), a special governmental district of the State of California, such parcels (including sub-surface portions of such parcels) of

real property located in the vicinity of the lower San Mateo Water Basin, in the northern portion of Camp Pendleton Marine Corps Base, California, as the Secretary determines will meet the requirement set forth in paragraph (2).

(2) The lease authorized in paragraph (1) shall permit the District—

(A) to develop, operate, and maintain water extraction facilities on the parcels subject to the lease; and

(B) to provide water and water distribution services for the District and for the northern portion of Camp Pendleton Marine Corps Base in a manner mutually beneficial to the District and Camp Pendleton Marine Corps Base (as jointly determined by the Secretary and the District).

(3) The lease shall be for such period not longer than 50 years as the Secretary determines to be in the best interests of the United States.

(b) CONSIDERATION.—As consideration for the lease authorized by subsection (a)—

(1) the District shall—

(A) construct, operate, and maintain on the property subject to the lease such improvements as the Secretary and the District jointly determine to be necessary in order to ensure that water is delivered to and stored in the lower San Mateo Water Basin so as to provide a sustained source of water sufficient for the purposes of Camp Pendleton Marine Corps Base and the District; and

(B) operate and maintain the water extraction, storage, and distribution system (including any infrastructure associated with such system) located within the northern portion of Camp Pendleton Marine Corps Base; and

(2) in the event that the fair market value of the interests leased by the Secretary under subsection (a)(1) exceeds the fair market value (as so determined) of the actions taken by the District under paragraph (1) of this subsection, the District shall pay or provide in-kind services to the United States in an amount or value, as the case may be, that is equal to such excess amount.

(c) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels to be leased pursuant to subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the lease under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Jersey Central Power and Light Company, New Jersey (in this section referred to as "Jersey Central"), all right, title, and interest of the United States in and to the electricity distribution system described in paragraph (2).

(2) The electricity distribution system referred to in paragraph (1) is the electricity distribution system located at Fort Dix, New Jersey, consisting of approximately 145.6 miles of electricity distribution lines, electricity poles, transformers, electricity substations, and other electricity distribution improvements owned and utilized by the Federal Government in order to provide electricity to and distribute electricity at Fort Dix. The electricity distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Jersey Central the following easements relating to the conveyance of the electricity distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Jersey Central jointly determine are necessary in order to provide for the access by Jersey Central to the electricity distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Jersey Central jointly determine are necessary in order to satisfy the requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the electricity distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electricity distribution system authorized by subsection (a) unless Jersey Central agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the electricity distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That Jersey Central provide electricity to and distribute electricity at Fort Dix at a rate that is no less favorable than the rate Jersey Central would charge a public or private consumer of electricity similar to Fort Dix for the provision and distribution of electricity.

(2) That Jersey Central carry out safety upgrades to permit the distribution system to carry electricity at up to 13,800 volts.

(3) That Jersey Central improve the electricity distribution system by installing additional lightning protection devices in such a manner as to permit the installation of air conditioning in family housing units.

(4) That Jersey Central maintain and repair, and conduct safety inspections and power factor surveys, of the electricity distribution system.

(5) That Jersey Central comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing electricity at Fort Dix through the electricity distribution system.

(6) That Jersey Central not commence any expansion of the electricity distribution system without approval of such expansion by the commander of Fort Dix.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Jersey Central in accordance with subsection (d) is at least equal to the fair market value of the electricity distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Jersey Central is not complying with the conditions specified in subsection (d), all right, title, and interest of Jersey Central in and to the electrical distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by Jersey Central after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right to operate the electricity distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the electricity distribution system to be conveyed pursuant to subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Jersey Central.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. MODIFICATION OF TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) CONSIDERATION.—Subsection (b) of section 2846 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2623) is amended by striking out "aggregate" and all that follows through "subsection (a)(2)" and inserting in lieu thereof "lesser of the cost of expanding the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in accordance with subsection (c)(1), or $3,000,000".

(b) USE OF FUNDS.—Subsection (c) of such section is amended—

(1) by striking out paragraph (2);

(2) in paragraph (1), by striking out "(1)(A) Subject to the availability of appropriations for this purpose and subparagraph (B)," and inserting in lieu thereof "(1) Subject to paragraph (2),";

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) in paragraph (2), as so designated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) LEASEBACK OF FACILITIES.—Such section 2846 is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) LEASEBACK OF FACILITIES.—The Secretary may lease from the Institute, at fair market rental value, the facilities referred to in subsection (a)(2) after the sale of such facilities referred to in that subsection. The term of such lease may not exceed 2 years.".

SEC. 2838. CONVEYANCE OF RADAR BOMB SCORING SITE, CONRAD, MONTANA.

(a) CONVEYANCE.—The Secretary of the Air Force may convey, without consideration, to the City of Conrad, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 42 acres located in Conrad, Montana, which has served as a support complex, recreational facilities, and family housing for the Radar Bomb Scoring Site, Conrad, Montana, together with any improvements thereon.

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

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with subsection (b) all right, title, and interest in and to the property conveyed pursuant to such subsection (a), including any improvements thereon,

shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such 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 this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2839. FINANCIAL ASSISTANCE FOR IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) ASSISTANCE AUTHORIZED.—The Secretary of the Air Force may provide financial assistance, out of any funds available for the Air Force for fiscal years after fiscal year 1993, to the Flood Control District of Maricopa County, Arizona (in this section referred to as "the Flood Control District"), in order to assist the Flood Control District in widening Dysart Channel and making such other improvements of Dysart Channel that the Secretary and the Flood Control District jointly determine are necessary to prevent the flooding of Luke Air Force Base, Arizona.

(b) MAXIMUM AMOUNT.—The total amount of the financial assistance provided under this section may not exceed the lesser of—

(1) an amount equal to 50 percent of the total cost (as determined by the Secretary) of widening Dysart Channel and making the other improvements referred to in subsection (a); or

(2) $6,000,000.

(c) CONSIDERATION.—As consideration for the financial assistance provided pursuant to subsection (a), the Flood Control District shall convey to the United States all right, title, and interest of the Flood Control District in and to the real property, if any, acquired by the Flood Control District in widening Dysart Channel and making the other improvements referred to in subsection (a).

(d) ASSISTANCE AGREEMENT.—The Secretary may not provide the financial assistance referred to in subsection (a) unless—

(1) the Secretary and the Flood Control District enter into an agreement allocating between the Air Force and the Flood Control District the costs of widening Dysart Channel and making the other improvements referred to in subsection (a);

(2) the Flood Control District agrees to hold harmless, defend, and indemnify in full the Air Force, and any of its officers, members, employees, or agents, from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of the actions taken by the Flood Control District in widening Dysart Channel and making the other improvement referred to in subsection (a); and

(3) the Flood Control District agrees not to acquire any real property in widening Dysart Channel and making the other improvements referred to in subsection (a) without the advance approval of the Secretary.

(e) PROJECT DESIGN AND EXECUTION.—The Flood Control District shall establish the requirements applicable to widening Dysart Channel and making the other improvements referred to in subsection (a) and shall undertake responsibility for the timely execution of such widening and other improvements.

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

SEC. 2840. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) LAND CONVEYANCE.—The Secretary of the Navy may convey to Broward County, Florida (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 improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—The County shall provide the United States with consideration for the conveyance under subsection (a) that is equal to at least the fair market value of the property conveyed. The County may provide that consideration by either of the following methods, as elected by the County:

(1) Constructing (or paying the costs of constructing) at a location selected by the Secretary within Broward County, Florida, a suitable facility to replace the improvements conveyed under subsection (a).

(2) Paying to the United States an amount equal to the fair market value of the parcel of property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO ELECTION.—If the County elects to construct (or pay the costs of construction) of a replacement facility under subsection (b)(1), the County shall pay to the United States the amount, if any, by which the fair market value of the property conveyed under subsection (a) exceeds the fair market value of the replacement facility.

(d) REPLACEMENT FACILITY.—If the County elects to pay the fair market value of the real property under subsection (b)(2) as consideration for the conveyance authorized under subsection (a), the Secretary shall use the amount paid by the County to construct a suitable facility to replace the improvements conveyed under subsection (a).

(e) USE OF PROCEEDS.—The Secretary shall deposit any amount paid to the United States under this section and not used for the purposes of constructing a replacement facility under subsection (d) in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and of the improvements, if any, constructed under subsection (b)(1). Such determination shall be final.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the County.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. LAND TRANSFER, WOODBRIDGE RESEARCH FACILITY, VIRGINIA.

(a) REQUIREMENT OF TRANSFER.—Notwithstanding any other provision of law, the Secretary of the Army shall transfer, without reimbursement, to the Department of the Interior, a parcel of real property consisting of approximately 580 acres and comprising the Harry Diamond Army Research Laboratory, Woodbridge Research Facility, Virginia, together with any improvements thereon. The transfer shall occur no later than September 30, 1994.

(b) USE OF TRANSFERRED PROPERTY.—The Secretary of the Interior shall incorporate the real property transferred under subsection (a) into the Marumsco National Wildlife Refuge, Virginia.

(c) ENVIRONMENTAL RESPONSIBILITY.—The Secretary of the Army shall retain responsibility for any environmental restoration or remediation required at the real property transferred under subsection (a).

SEC. 2842. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a) the Railway shall pay to the United States an amount equal to the fair market value of the property as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(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 such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2843. AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

The Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use.

SEC. 2844. CONVEYANCE OF LAND IN FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) AUTHORIZATION.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may, subject to subsection (c), convey to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana, all right, title, and interest of the United States to such property.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions for the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of enactment of this Act.

SEC. 2845. LAND TRANSFER, FORT SHERIDEN, ILLINOIS AND ARLINGTON COUNTY, VIRGINIA.

The Secretary of Defense shall review, and shall provide a report of such review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 24, 1993, a proposed transfer of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, located at Fort Sheridan, Illinois, for a parcel of real estate, consisting of approximately 7.1 acres, located in Arlington County, Virginia and commonly known at the "Twin Bridges" parcel, including the proposal to utilize the "Twin Bridges" parcel for the purpose of constructing and operating the National Museum of the United States Army, utilizing solely donated funds for the construction and operation of such museum.

Subtitle D—Other Matters

SEC. 2851. REPORTS ON ECONOMIC AND ENVIRONMENTAL EFFECTS OF TRANSFER OF MINE WARFARE CENTER OF EXCELLENCE.

(a) SUBMITTAL OF EIS.—The Secretary of the Navy shall, upon completion of the environmental impact statement with respect to the construction and operation of the Mine Warfare Center of Excellence at Ingleside, Texas, submit a copy of such environmental impact statement to the congressional defense committees.

(b) MATTERS TO BE COVERED IN EIS.—The Secretary shall ensure that the environmental impact statement referred to in subsection (a) includes an analysis of the environmental impact of the construction and operation at Ingleside, Texas, of the following Mine Warfare Center of Excellence facilities:

(1) A magnetic silencing facility.

(2) A small boat pier.

(3) A support pier for a helicopter and sled.

(4) A drill-mine field for mine warfare training.

(c) ECONOMIC ASSESSMENT.—At the same time that the Secretary submits the environmental impact statement under subsection (a), the Secretary shall submit to the congressional defense committees an assessment by the Secretary of the cost to the Navy of consolidating the Navy mine warfare forces at Ingleside, Texas. The report shall include a comparison of such cost with the cost of consolidating such forces at alternative locations.

(d) SUSPENSION OF CERTAIN ACTIVITIES PENDING RECEIPT OF REPORT AND ASSESSMENT.—(1) The Secretary may not take any action after July 31, 1993, to relocate any of the Navy mine warfare forces to Ingleside, Texas, until 60 days after the date of the submittal of the environmental impact statement under subsection (a) and the economic assessment under subsection (c).

(2) Paragraph (1) does not apply to the relocation of Navy mine countermeasure ships.

SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN FOR DEPARTMENT OF DEFENSE VACCINE PRODUCTION FACILITY.

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1994 may be obligated for architectural and engineering services or for construction design in connection with the Department of Defense vaccine production facility.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report containing a complete explanation of the necessity for constructing within the United States a Department of Defense facility for the production of vaccine for the Department of Defense.

SEC. 2853. GRANT RELATING TO ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL, FORT BELVOIR, VIRGINIA.

(a) GRANT AUTHORIZED.—The Secretary of the Army may make a grant to the Fairfax County School Board, Virginia, in order to assist the School Board in constructing a public elementary school facility, to be owned and operated by the School Board, in the vicinity of Fort Belvoir, Virginia.

(b) CAPACITY REQUIREMENT.—The school facility constructed with the grant made under subsection (a) shall be sufficient (as determined by the Secretary) to accommodate the dependents of members of the Armed Forces assigned to duty at Fort Belvoir and the dependents of employees of the Department of Defense employed at Fort Belvoir.

(c) MAXIMUM AMOUNT OF GRANT.—The amount of the grant under this section may not exceed $8,000,000.

(d) REQUIREMENTS RELATING TO CONSTRUCTION OF SCHOOL.—(1) The Fairfax County School Board shall establish the design and function specifications applicable to the elementary school facility constructed with the grant made under this section.

(2) The Fairfax County School Board shall be responsible for soliciting bids and awarding contracts for the construction of the school facility and shall undertake responsibility for the timely construction of the school facility under such contracts.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the grant authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 per centum of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

SEC. 2855. STUDY OF EFFECTS OF AIR FORCE ACTIVITIES ON DUCK VALLEY RESERVATION.

(a) STUDY.—The Secretary of the Air Force shall carry out a study to determine—

(1) the effects on Air Force operations of a requirement that overflights of the Duck Valley Reservation of the Shoshone-Paiute Tribes occur no lower than 15,000 feet above ground level of such reservation;

(2) the effects on such operations of a requirement that no military activities occur within such reservation or the area within 15 miles of the boundary of such reservation; and

(3) whether such operations can be carried out within the areas referred to in paragraph (2) in accordance with the following:

(A) The provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(B) The provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) REPORT.—The Secretary shall submit to Congress the report required under subsection (a) not later than 120 days after the date of the enactment of this Act.

SEC. 2856. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by substituting "Administrator of General Services" for "Secretary of the Air Force";

(2) in subsection (a)(2), by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."; and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and revising the single paragraph thereof to read as follows:

"(b)(1) The Administrator shall convey, for fair market value, the interest of the United

States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons described in paragraph (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Administrator shall transmit a notice of the availability of such interest to each such person or persons.".

(B) by adding at the end the following new paragraph:

"(2)(A) In the case of a tract of land surrounded by lands that are adjacent to such tract and are owned separately by two or more owners, the Administrator shall dispose of that tract of land in accordance with this paragraph.

"(B) The Administrator shall conduct a sealed bid competitive sale at which all of such owners are afforded the opportunity to compete to acquire the interest of the United States in such tract. The Administrator shall restrict to the owners of the adjacent lands the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to paragraph (C), the Administrator shall convey the interest of the United States in the tract to the highest bidder.

"(D) The Administrator shall satisfy the requirements of paragraph (1) regarding notice, fair market value, and the qualifications of the purchaser in disposing of the tract in accordance with the results of the sealed bid competitive sale.

"(E) If all bids received by the Administrator pursuant to subparagraph (A) are less than the fair market value of the tract of land, the tract of land shall be disposed of in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

(4) In subsection (c), by substituting "Administrator" for "Secretary";

(5) In subsection (e), by substituting "Secretary of the Air Force" for "Secretary" as it first appears in the subsection and by substituting "Administrator" for "Secretary" as it last appears in the subsection; and

(6) In subsection (f), by substituting "Administrator" for "Secretary".

TITLE XXIX—BASE CLOSURE ASSISTANCE

SEC. 2901. SHORT TITLE.

This title may be cited as the "Base Closure Communities Act of 1993".

SEC. 2902. FINDINGS.

Congress makes the following findings:

(1) The closure and realignment of military installations within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A military installation is a significant source of employment for many communities, and the closure or realignment of an installation may cause economic hardship for such communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as a result of the closure or realignment of a military installation.

(4) The Federal Government may facilitate the economic recovery of a community by preventing or reducing the loss of jobs that might otherwise occur as a result of such a closure or realignment.

(5) It is in the interest of the United States that the Federal Government work with communities that experience adverse economic circumstances as the result of the closure of military installations to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner.

(6) The Federal Government may provide such assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations, in a manner that best ensures the beneficial reutilization or redevelopment of such installations by such communities.

(7) The Federal Government may best ensure such reutilization and redevelopment by making available real and personal property of the closing military installations to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

SEC. 2903. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

Section 2905(b)(2) 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—

(1) in subparagraph (A), by striking out "Subject to subparagraph (C)," and inserting in lieu thereof "Subject to subparagraphs (C), (F), and (G),"; and

(2) by adding at the end the following:

"(F)(i) Not later than 6 months after the date of approval of closure of an installation, the Secretary of Defense shall, in consultation with the local reuse authority recognized and funded by the Secretary, identify the items (or categories of items) of personal property related to real property on that installation that is anticipated to be included in a reutilization and redevelopment plan with respect to such installation. Such items may include common use items.

"(ii) If no local reuse authority recognized and funded by the Secretary exists with respect to a military installation referred to in clause (i), the Secretary shall consult with—

"(I) the local government in whose jurisdiction the installation is wholly located; or

"(II) a local government agency or State government agency designated for the purpose of such consultation by the chief executive office of that State.

"(iii) Except as provided in clauses (vi) and (vii), the Secretary of Defense may not carry out any of the activities referred to in clause (iv), until the earlier of—

"(I) one week after the date on which the reutilization and redevelopment plan, if any, for the installation is submitted to the Secretary by the local reuse authority;

"(II) the date on which the local reuse authority notifies the Secretary that it will not submit a plan referred to in subclause (I);

"(III) twenty-four months after the date of approval of closure or realignment of the installation; or

"(IV) ninety days before the closure of the installation.

"(iv) The activities referred to in clause (iii) are activities relating to the closure of a military installation as follows:

"(I) The transfer from the installation of items of personal property identified in accordance with clause (i).

"(II) The reduction in maintenance and repair of facilities or equipment of the installation below levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(v) The Secretary may not transfer items of personal property on an installation to be closed or realigned under this part to another installation, or dispose of such items, if they are identified in a reutilization and redevelopment plan for the installation submitted to the Secretary by a local reuse authority as items essential to the reuse of the installation.

"(vi) This subparagraph shall not apply to any personal property—

"(I) that is required for the operation of a unit or weapons system being transferred to another installation;

"(II) that is uniquely military in character, and has no civilian use (other than use for its material content or as a source of commonly used components); or

"(III) that the local reuse authority agrees is not required in connection with the reutilization or redevelopment of an installation to be closed.

"(vii) Notwithstanding clauses (iii) and (v), the Secretary may carry out any of the activities referred to in clauses (iv) and (v) if the Secretary determines that such activities are in the national security interest of the United States.".

SEC. 2904. AUTHORITY TO TRANSFER PROPERTY AT CLOSED OR REALIGNED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

Section 2905(b)(2) 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), as amended by section 2903, is further amended by adding at the end the following:

"(G)(i) The Secretary of Defense may, under regulations prescribed by the Secretary that set forth guidelines for determining consideration, transfer real property or facilities and any personal property related thereto (including common use items of personal property) located at a military installation to be closed or realigned under this part to—

"(I) the redevelopment authority of a community that is located near the installation, if such redevelopment authority is authorized to accept the transfer;

"(II) the redevelopment authority of the State in which the installation is located, if such redevelopment authority is authorized to accept the transfer; or

"(III) any other public entity selected for such transfer by the Secretary.

"(ii) The transfer under this subparagraph may be for consideration, without consideration, for consideration in kind, or for consideration at or below the fair market value of the real property, facilities, or personal property transferred.

"(iii) The transfer under clause (i) may not take place until the redevelopment authority or other public entity selected by the Secretary for the transfer has taken into consideration in the reutilization and redevelopment plan for the military installation to be closed or realigned the needs of the homeless in the community or communities affected by such closure and has reasonably provided for such needs in such plan. All transfers shall be in accord with section 120(h) of CERCLA.".

SEC. 2905. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—(1) Section 2667(f) of title 10, United States Code, is amended by inserting "or local reuse authorities recognized by the Secretary of Defense" after "governments".

(2) Section 2667 of such title is amended by adding at the end the following:

"(g)(1) Notwithstanding paragraph (3) of subsection (a) and title II of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481 et seq.), whenever the Secretary of a military department concerned

considers it advantageous to the United States, the Secretary concerned may lease to any lessee, upon any terms that the Secretary concerned considers appropriate, any real and related personal property (including common use items of personal property) that is located at a military installation that has been selected for closure under the following provisions of law:

"(A) 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).

"(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).

"(2)(A) The Secretary concerned may provide, in the case of the lease of property referred to in paragraph (1), for the payment (in cash or kind) by the lessee of consideration in an amount that is less than the fair market rental of the leasehold interest. Services relating to the protection and maintenance of the property leased may constitute all or part of such consideration.

"(B) The term of a lease under this paragraph may be for such number of years as the Secretary concerned determines appropriate.

"(C) A lease under this paragraph may include an option to purchase the property subject to the lease. Such option shall be exercisable upon the termination of the lease and shall be for a price, fixed in the lease, that the Secretary concerned considers likely to represent fair market value of the property subject to the option at the anticipated date of termination of the lease. The exercise of such option shall be in accordance with section 120(h) of CERCLA.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental conditions at the property proposed for leasing permit the lease of the property. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.

"(4)(A) The Secretary of Defense shall, in regulations prescribed by the Secretary, permit the payment by the Secretary concerned of the administrative costs (including any administrative costs of the Department of Defense or of contractors of the department) relating to the entry of a lessee described in subparagraph (B) into a lease under this subsection.

"(B) A lessee referred to in subparagraph (A) is any lessee whose financial circumstances are such that the payment of costs under this paragraph is necessary to facilitate the entry of the lessee into the lease.

"(C) The regulations prescribed under this paragraph shall provide for determining whether a lessee is entitled to the payment of costs under this paragraph.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of section 2667 of title 10, United States Code, is amended to read as follows:

"§ 2667. Leases: non-excess property; property at installations to be closed".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property; property at installations to be closed.".

(c) REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in section 2667(g)(3)(A) of title 10, United States Code (as added by subsection (a)), not later than 30 days after the date of the enactment of this Act.

SEC. 2906. DELEGATION OF AUTHORITY TO ENTER INTO LEASES OF CERTAIN PROPERTY.

The Secretary of Defense shall, in regulations prescribed by the Secretary, provide for the delegation of the authority of the Secretary to enter in leases under section 2667(g) of title 10, United States Code (as amended by section 2905(a)). The regulations shall specify one or more officials to whom such authority shall be delegated. The Secretary shall prescribe such regulations not later than 30 days after the date of the enactment of this Act.

SEC. 2907. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) EXPEDITED DETERMINATION OF TRANSFERABILITY.—Section 2905(b)(2) 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), as amended by section 2904, is further amended by adding at the end the following:

"(H)(i) Except as provided in clause (ii), the Secretary of Defense shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of an installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(ii) The Secretary may, in consultation with the local reuse authority with respect to an installation, postpone the making of the final determinations referred to in clause (i) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation.".

(b) APPLICABILITY.—The Secretary of Defense shall make the determination required under section 2905(b)(2)(H) of such Act, as amended by subsection (a), in the case of installations whose date of approval of closure occurred more than 6 months before the date of the enactment of this Act, and which are not closed within 6 months of such date, not later than 6 months after such date.

SEC. 2908. AVAILABILITY OF PROPERTY AND SERVICES FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2667 note) is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to installations closed or realigned under this part.

"(B)(i) Not later than 30 days after the date of approval of closure or realignment of an installation under this part, the Secretary of Defense shall submit to the Secretary of Housing and Urban Development information with respect to the buildings and other real property located at the installation that satisfies the requirements for quarterly requests for information of the Secretary of Housing and Urban Development under subsection (a) of section 501 of such Act (42 U.S.C. 11411).

"(ii) Not later than 60 days after the date referred to in clause (i), the Secretary of Housing and Urban Development shall identify the buildings and other real property at the installation that meet the requirement of the third sentence of such subsection (a) and notify the Secretary of Defense of such identification.

"(iii) Not later than 15 days after the date referred to in clause (ii), the Secretary of Housing and Urban Development shall publish in accordance with subsection (c) of such section a list of the buildings and other real property identified under clause (ii).

"(iv)(I) Buildings and other real property included in the list published under clause (iii) shall remain available to assist the homeless in accordance with subsection (d) of such section 501.

"(II) If, at the end of the period referred to in paragraph (1) of such subsection (d), no notice of intent to use the buildings or other property, or any portion thereof, to assist the homeless is received by the Secretary of Health and Human Services under paragraph (2) of such subsection, the Secretary of Defense may make such buildings or other property, or portion thereof, available to the local redevelopment authority, if any, that has submitted a reutilization or redevelopment plan with respect to such installation for use of such buildings or other property, or portion, thereof, in accordance with such plan.".

(b) APPLICABILITY.—The Secretary of Defense shall carry out the requirements of section 2905(b)(3)(B) of such Act, as amended by subsection (a), with respect to installations whose date of approval of closure is more than 90 days before the date of the enactment of this Act, and which are not closed on such date, not later than 30 days after such date.

SEC. 2909. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for a military installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of that installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the reutilization and redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the reutilization and redevelopment plan for the installation;

(5) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the reutilization and redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to requirements for, or the transfer of property at, the installation under section 2905(b)(2)(H) 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), as added by section 2907;

(7) assist a local economic redevelopment authority concerned with reuse of the installation in identifying real or personal property located at the installation that may have significant potential for reuse in accordance with the reutilization and redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of assistance under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying leases of property located at the installation that are consistent with the reutilization and redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real or personal property located at the installation that may be utilized to meet the needs of the homeless by consulting with the Interagency Council on the Homeless or the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2910. COORDINATION OF ACTIVITIES OF OTHER FEDERAL DEPARTMENTS AND AGENCIES RELATING TO INSTALLATIONS TO BE CLOSED.

Not later than 30 days after the date of the enactment of this Act, the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization of such an installation, shall designate for each such installation an individual in such department or agency who shall provide information and assistance to the transition coordinator for such installation designated under section 2907 on the assistance, programs, or other activities of such department or agency with respect to the closure or redevelopment of such installation.

SEC. 2911. COMMUNITY RESPONSE BOARD.

(a) REQUIREMENT.—The Secretary of Defense shall establish a community response board with respect to the closure of military installations under base closure laws. The community response board shall have the responsibilities set forth in subsection (c).

(b) COMPOSITION; CHAIRMAN.—(1) The community response board shall be composed of the following members:

(A) The Secretary of each military department concerned or a representative or representatives of such military department who has an expertise in environmental matters or property disposal matters and who shall be appointed by that Secretary.

(B) One representative of the Department of Defense having an expertise in environmental matters, to be appointed by the Secretary of Defense.

(C) One representative of the Department of Defense having an expertise in the disposal of property, to be appointed by the Secretary of Defense.

(D) One representative of the Office of Economic Adjustment of the Department of Defense, to be appointed by the Secretary of Defense.

(E) One representative of the Department of Labor, to be appointed by the Secretary of Labor.

(F) One representative of the Environmental Protection Agency, to be appointed by the Administrator of the Environmental Protection Agency.

(G) One representative of the General Services Administration, to be appointed by the Administrator of General Services.

(H) One representative of the National Economic Council, to be appointed by the Director of the National Economic Council.

(I) The Executive Director of the Interagency Council on the Homeless pursuant to section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

(J) One representative of the Department of Housing and Urban Development, to be appointed by the Secretary of Housing and Urban Development.

(K) Such other representatives as the Secretary of Defense, in consultation with the Director of the National Economic Council, determines appropriate.

(2) The Secretary of a military department may serve as a representative of such department under paragraph (1)(A).

(3) The Secretary of Defense, in consultation with the Director of the National Economic Council, shall designate the chairman of the board.

(c) RESPONSIBILITIES.—(1) The community response board shall—

(A) receive comments from appropriate representatives of the redevelopment authorities, if any, established with respect to installations to be closed or realigned under a base closure law on the progress, if any, made by such authorities toward the reutilization or redevelopment of such installations, and any impediments to such progress;

(B) to the maximum extent practicable, propose and develop solutions to such impediments; and

(C) submit a report to the President on such comments and solutions.

(2) In proposing and developing solutions to impediments to the reutilization or redevelopment under paragraph (1)(B), each member of the board shall, to the maximum extent practicable, solicit comments and proposals on such solutions from the Federal department or agency of which such member is a representative and utilize the resources and expertise of the Federal department or agency of which such member is a representative.

(3)(A) The community response board shall receive comments under paragraph (1)(A) by public hearing and by any other means determined appropriate by the board.

(B) The community response board shall offer to hold, and upon the approval of a redevelopment authority shall hold, not less than one such hearing each year with respect to each major installation approved for closure under a base closure law until that installation has been closed for more than 5 years. When holding a hearing with respect to an installation, the board shall ensure that the member or members of the board from the military department having jurisdiction over the installation is present.

(C) At each hearing with respect to an installation, the transition coordinator designated for such installation, or the designee of the coordinator, shall appear before the board with representatives of the redevelopment authority.

(D) The community response board shall meet at least three times each year to carry out the activities referred to in paragraph (1)(B).

(E) The community response board shall submit a report referred to in paragraph (1)(C) at least once each year.

(d) TERMINATION.—The authority of the community response board to carry out activities under this section shall terminate on December 31, 2006.

SEC. 2912. ASSISTANCE TO AFFECTED STATES AND COMMUNITIES THROUGH THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) IN GENERAL.—From the funds authorized to be appropriated to the Department of Defense for the activities of the Office of Economic Adjustment of the Department of Defense, the Secretary of Defense may make grants to not more than one redevelopment authority of each community adversely affected by the closure of a military installation, to redevelopment authorities of States so affected, and to communities so affected in order to assist such authorities and communities, as the case may be, in developing and implementing reutilization and redevelopment plans for property located at military installations closed under base closure laws.

(b) PROCESSING REQUIREMENT.—The Secretary shall determine whether to make a grant under this section to a redevelopment authority or community, as the case may be, not later than 7 days after receiving a complete application for a grant from such authority or community.

SEC. 2913. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall identify the real property located at each military installation selected in 1993 or 1995 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) pursuant to the provisions of section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)). The Secretary shall identify such real property at an installation not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date that is 18 months after the date of approval of closure of that installation.

SEC. 2914. SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall conduct seminars for communities in which a military installation to be closed or realigned under a base closure law is located. Such seminars shall be conducted within 6 months after the date of approval of closure of that installation, shall present the various Federal programs for the reutilization and redevelopment of installations to be closed under such law, and shall provide information

about employment assistance, including employment assistance under Federal programs, available to members of such communities.

SEC. 2915. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

The Secretary of Defense shall, with respect to each military installation approved for closure or realignment under a base closure law—

(1) complete any environmental impact analyses required with respect to the installation pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than 12 months, to the extent possible, after the date of the submittal, if any, to the Secretary of the military department concerned of an acceptable (as determined by the Secretary) reutilization and redevelopment plan for the installation by the community (as determined by the Secretary); and

(2) ensure that the environmental impact statement addresses environmental matters arising out of such plan.

SEC. 2916. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) 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), as amended by section 2906(b) is further amended by adding at the end the following:

"(4) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

SEC. 2917. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2700) may by utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

SEC. 2918. DEFINITIONS.

(a) BASE CLOSURE COMMUNITIES ACT.—In this title:

(1) The term "base closure law" means the following:

(A) 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).

(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).

(2) The term "reutilization and redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the local redevelopment authority concerned or other entity recognized by the Secretary of Defense as the authority to direct the reutilization and redevelopment of the installation; and

(B) provides for the reuse of the real property and related personal property of the installation that is available as a result of the closure of the installation.

(3) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(b) BASE CLOSURE ACT 1990.—Section 2910 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 adding at the end the following new paragraph:

"(8) The term 'date of approval of closure', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.".

SEC. 2919. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) SECTION NOT TO TAKE EFFECT.—Section 2916 shall not take effect.

(b) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(c) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) 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 adding at the end the following:

"(4)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

DEPARTMENT OF ENERGY NATIONAL SECURITY FOR FISCAL YEAR 1994

The text of the original bill (S. 1339) to authorize appropriations for fiscal year 1994 for defense activities of the Department of Energy, and for other purposes, as passed the Senate on September 14, 1993, is as follows:

S. 1339

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 "Department of Energy National Security Act for Fiscal Year 1994".

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. New tritium production and plutonium disposition activities.
Sec. 3103. Environmental restoration and waste management.
Sec. 3104. Materials support and other defense programs.
Sec. 3105. Defense nuclear waste disposal.
Sec. 3106. Funding uses and limitations.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

Subtitle C—Other Matters

Sec. 3131. Use of funds for payment of penalty assessed against Hanford project.

Sec. 3132. Office of Tritium Production and Plutonium Disposition.
Sec. 3133. Authority to transfer certain Department of Energy property.
Sec. 3134. Reauthorization and expansion of authority to loan personnel and facilities.
Sec. 3135. Inclusion of analysis of Nevada Test Site in environmental assessment of reconfiguration of Department of Energy nuclear weapons complex.
Sec. 3136. Department of Energy management.
Sec. 3137. Training programs for management of hazardous materials and of hazardous materials emergency response activities.
Sec. 3138. Review of Department of Energy environmental compliance agreements.
Sec. 3139. Extension of review of waste isolation pilot plant in New Mexico.
Sec. 3140. Standardization of Requirements affecting Department of Energy employees.

Subtitle D—Cooperative Research and Development

Sec. 3141. Short title.
Sec. 3142. Definitions.
Sec. 3143. Competitiveness amendment to the Department of Energy Organization Act.
Sec. 3144. National advanced manufacturing technologies program.
Sec. 3145. Not-for-profit organizations.
Sec. 3146. Career path program.
Sec. 3147. AVLIS commercialization.
Sec. 3148. Amendments to Stevenson-Wydler Technology Innovation Act.
Sec. 3149. Guidelines.
Sec. 3150. Authorization.

TITLE XXXII—NUCLEAR SAFETY

Sec. 3201. Authorization for Defense Nuclear Safety Board.
Sec. 3202. Requirement for transmittal to Congress of certain information prepared by Defense Nuclear Safety Board.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount $3,735,571,000, to be allocated as follows:

(1) For research and development, $1,152,325,000.

(2) For weapons testing, $375,000,000.

(3) For stockpile support, $1,792,280,000.

(4) For program direction, $277,466,000.

(5) For complex reconfiguration, $138,500,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plan projects, various locations, $16,500,000.

Project GPD-121, general plant projects, various locations, $7,700,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $11,110,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, $6,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93-D-123, complex-21, various locations, $25,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92-D-126, replace emergency notification systems, various locations, $10,500,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88-D-122, facilities capability assurance program, various locations, $27,100,000.

Project 88-D-123, security enhancement, Pantex Plant, Amarillo, Texas, $20,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $123,034,000.

(d) ADJUSTMENT FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $393,641,000.

SEC. 3102. NEW TRITIUM PRODUCTION AND PLUTONIUM DISPOSITION ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for expenses incurred in carrying out new tritium production activities and plutonium disposition activities necessary for national security programs in the amount of $83,000,000, offset by $43,000,000 in prior year funds.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,782,213,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,275,441,000.

(4) For technology development, $361,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) to carry out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD-171, general plant projects, various locations, $49,015,000.

Project 94-D-122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $700,000.

Project 94-D-400, high explosive wastewater treatment, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $600,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, $491,000.

Project 94-D-404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94-D-405, Central neutralization facility pipeline extension project, Oak Ridge K-25 Plant, Oak Ridge, Tennessee, $1,714,000.

Project 94-D-406, low-level waste disposal facility, Oak Ridge K-25 Plant, Oak Ridge, Tennessee, $6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94-D-408, 200 east office facility, Richland, Washington, $1,200,000.

Project 94-D-411, solid waste operations complex project, Richland, Washington, $7,100,000.

Project 94-D-412, 300 area process sewer piping system upgrade, Richland, Washington, $1,100,000.

Project 94-D-414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,100,000.

Project 94-D-416, Solvent Storage Tanks installation, Savannah River Site, South Carolina, $1,500,000.

Project 94-D-417, intermediate level and low activity waste vaults, Savannah River Site, South Carolina, $1,000,000.

Project 94-D-451, infrastructure replacement Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93-D-176, Oak Ridge reservation storage facility, K-25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-125 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $1,000,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, $6,000,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93-D-183, multi-function waste remediation facility, Richland, Washington, $25,660,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93-D-185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $13,230,000.

Project 93-D-188, new sanitary landfill, Savannah River, South Carolina, $1,020,000.

Project 92-D-125, master safeguards and security agreement/material surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92-D-173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, $7,000,000.

Project 92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92-D-403, tank upgrade project, Lawrence Livermore National Laboratory, California, $3,888,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $5,000,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $1,800,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $1,000,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, $23,974,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,000,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,769,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition, $24,726,000.

(d) USE OF FUNDS.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $21,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(e) GENERAL REDUCTION IN OPERATING EXPENSES.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount specified in that subsection reduced by $40,000,000.

(f) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a), (b), and (c) reduced by $86,600,000. In determining the amount authorized to be appropriated pursuant to subsection (a) for the purposes of this subsection, subsection (e) shall be taken into account.

SEC. 3104. MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs in the amount of $2,171,039,000, to be allocated as follows:

(1) For materials support, $853,966,000.

(2) For verification and control technology, $341,941,000.

(3) For nuclear safeguards and security, $86,246,000.

(4) For security investigations, $53,335,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD-146, general plant projects, various locations, $31,760,000.

Project 93-D-147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $7,720,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92-D-140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN-101, general plant projects, various locations, $7,500,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $2,800,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $7,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For material support, $75,209,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors development, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $393,132,000 for anticipated savings.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for payment to the Nuclear Waste Fund, $120,000,000.

SEC. 3106. FUNDING USES AND LIMITATIONS.

(a) NATIONAL SECURITY PROGRAMS.—Notwithstanding any other provision of law, not more than 90 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1994 required under section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1681; 42 U.S.C. 7271b).

(b) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

(c) FIRE PROTECTION AND COOLING OR REFRIGERATION SYSTEMS.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for the design, purchase, or installation of any fire protection system or cooling or refrigeration system that utilizes class I substances (as listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)) unless the Secretary of Energy determines that an alternative system meeting the operational requirements of the Department of Energy is not commercially available or is not cost-effective when analyzed under a life-cycle cost analysis.

(d) NEW TRITIUM PRODUCTION ACTIVITIES AND PLUTONIUM DISPOSITION ACTIVITIES.—Funds authorized to be appropriated for fiscal year 1994 or otherwise made available to the Secretary of Energy for such fiscal year for new tritium production activities and plutonium disposition activities shall be available only for the following purposes and in the following amounts:

(1) For evaluation of an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $40,000,000.

(2) For evaluation of accelerator technology to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $18,000,000.

(3) For evaluation of an advance liquid metal reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $25,000,000.

(e) EXPENDED CORE FACILITY DRY CELL.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, until shipment of spent naval nuclear fuel from United States naval surface ships and submarines to the Idaho Engineering Laboratory, Idaho, is resumed.

(f) NUCLEAR WEAPONS TESTING.—(1) Funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing and funds otherwise made available to the department for that fiscal year for that purpose shall be available only for the following purposes and in the following amounts:

(A) For infrastructure maintenance at the Nevada Test Site, $131,250,000.

(B) For maintaining the technical capability to resume testing at the Nevada Test Site, $109,375,000.

(C) For activities, including research and development, of Department of Energy laboratories in determining means of nuclear weapons testing as alternatives to underground nuclear weapons testing, $134,375,000.

(2) The Secretary of Energy may not obligate an aggregate amount in excess of $180,000,000 for the purposes described in subparagraphs (B) and (C) of paragraph (1) until the Secretary submits to the congressional defense committees a detailed plan for carrying out the activities described in subparagraphs (B) and (C) of that paragraph.

(3) Each year at the time of the President's submission of a a budget under section 1105 of title 31, United States Code, the President shall submit a report covering the most recently completed calendar year setting forth—

(A) Whether the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory have raised any concerns with regard to the safety, security, effectiveness, or reliability or existing United States nuclear weapons; and

(B) If such concerns have been raised, the President's evaluation of each concern and report on what actions are being or will be taken to address it.

(g) VERIFICATION CONTROL TECHNOLOGY.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and capital equipment for activities relating to verification and control technology, not more than $334,441,000 may be obligated until the Secretary of Defense submits the report required by section 1104.

(h) SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL AND WASTE MANAGEMENT.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $1,000,000 shall be available for the Scholarship and Fellowship Program for Environmental Restoration and Waste Management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 42 U.S.C. 7274e).

(i) HANFORD HEALTH INFORMATION NETWORK.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3101(a), $1,750,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834).

(j) PROTECTION OF NUCLEAR WEAPONS FACILITIES WORKERS.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $10,000,000 shall be available for activities relating to worker protection at nuclear weapons facilities.

(k) MERGER OF CERTAIN FUNDS WITH FUNDS APPROPRIATED FOR NEW PRODUCTION REACTORS.—Notwithstanding any other provision of law, of the funds made available to the Department of Energy for new production reactor activities before the date of the enactment of this Act, $43,000,000 shall be merged with the funds authorized to be appropriated for new tritium production and plutonium disposition under section 3102 and shall be available for the same purposes and the same period as the funds with which merged.

(l) TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT.—None of the funds appropriated to the Department of Energy for fiscal year 1994 pursuant to the authorization of appropriations in section 3103, or otherwise made available to the department for environmental restoration and waste management activities for such fiscal year, may be obligated to foster technology transfer to and economic development activities in the Southeastern United States until 30 days after the date on which the Secretary of Energy submits to the congressional defense committees a report containing a plan for the expenditure of funds in a manner that ensures an equitable expenditure of funds for such purposes throughout the Southeastern United States.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

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

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

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

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

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

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

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

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

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

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

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

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Federal Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

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

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

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

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

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

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

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

SEC. 3128. AVAILABILITY OF FUNDS.

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

Subtitle C—Other Matters

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST HANFORD PROJECT.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Hanford Consent Agreement and Compliance Order for Department of Energy Hanford.

SEC. 3132. OFFICE OF TRITIUM PRODUCTION AND PLUTONIUM DISPOSITION.

(a) ESTABLISHMENT.—There is hereby established in the Office of the Assistant Secretary of Energy for Defense Programs an Office of Tritium Production and Plutonium Disposition.

(b) RESPONSIBILITIES.—The responsibilities of the office shall include the following:

(1) Activities relating to the development, design, and construction (including research in support thereof) of a tritium production facility in order to ensure that a tritium production facility replacing existing tritium production facilities of the Department of Energy and capable of meeting the anticipated need of the Department of Defense for tritium is in operation no later than December 31, 2011.

(2) Carrying out the evaluation of an advanced light water reactor and a high temperature gas reactor referred to in section 3105(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2636).

(3) Activities relating to the design, development, and construction (including research in support thereof) of the reactors referred to in paragraph (2).

(4) Research and development activities relating to design, development, and construction by the Department of Energy of an advanced metal reactor that utilizes an actinide recycling process and that is capable of burning plutonium, producing tritium, and producing electricity.

(5) Research and development activities relating to the design, development, and construction by the Department of Energy of an accelerator technology that is capable of burning plutonium, producing tritium, and producing electricity.

(6) Activities relating to the design, development, and construction (including research in support thereof) of a facility to treat and dispose of excess plutonium.

SEC. 3133. AUTHORITY TO TRANSFER CERTAIN DEPARTMENT OF ENERGY PROPERTY.

(a) AUTHORITY TO TRANSFER.—(1) Notwithstanding any other provision of law, the Secretary of Energy may transfer, for consideration, all right, title, and interest of the United States in and to the property referred to in subsection (b) to any person if the Secretary determines that such transfer will mitigate the adverse economic consequences that might otherwise arise from the closure of a Department of Energy facility.

(2) The amount of consideration received by the United States for a transfer under paragraph (1) may be less than the fair market value of the property transferred if the Secretary determines that the receipt of such lesser amount by the United States is in accordance with the purpose of such transfer under this section.

(b) COVERED PROPERTY.—Property that may be transferred under subsection (a) is the following property of the Department of Energy that is located at department facilities to be closed:

(1) The personal property and fixtures at such facilities that the Secretary determines to be excess to the needs of the department.

(2) Any other personal property and fixtures at such facilities the replacement cost of which does not exceed an amount equal to 110 percent of the cost of transporting the property or fixtures to another department facility.

(c) OTHER TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to a transfer of property under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

SEC. 3134. REAUTHORIZATION AND EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1824) and section 3136 of National Defense Authorization for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2641), is further amended—

(1) in subparagraph (A)—

(A) by striking out "and" at the end of clause (i):

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to any community-based organization; and

"(iv) at Oak Ridge, Tennessee, to loan personnel in accordance with this section to any community-based organization."; and

(2) in subparagraph (B)—

(A) by striking out "and the Idaho" and inserting in lieu thereof ", the Idaho"; and

(B) by adding before the period at the end the following: ", the Savannah River Site, and Oak Ridge".

(b) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such Act is amended—

(1) by striking out "or the Idaho" and inserting in lieu thereof "the Idaho"; and

(2) by inserting "Savannah River Site, South Carolina, or Oak Ridge, Tennessee," before "to any community-based organization".

(c) DURATION OF PROGRAM.—Subsection (c) of such section is amended—

(1) by striking out "Reservation, and" and inserting in lieu thereof "Reservation,"; and

(2) by inserting after "Idaho National Engineering Laboratory" the following: ", and September 30, 1995, with respect to the Savannah River Site, and to Oak Ridge".

SEC. 3135. INCLUSION OF ANALYSIS OF NEVADA TEST SITE IN ENVIRONMENTAL ASSESSMENT OF RECONFIGURATION OF DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

In preparing an environmental impact statement in connection with a decision to reconfigure the functions, facilities, and personnel of the Department of Energy relating to research and development, production, and testing of nuclear materials and weapons, the Secretary of Energy shall include an

analysis of the Nevada Test Site as a potential site for the location of some or all of such functions, facilities, and personnel.

SEC. 3136. DEPARTMENT OF ENERGY MANAGEMENT.

(a) UNDER SECRETARIES.—Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is amended—

(1) in subsection (a), by striking out "Under Secretary" and inserting in lieu thereof "Under Secretaries"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b) RATES OF PAY.—Section 5314 of title 5, United States Code, is amended by striking out the item relating to the Under Secretary, Department of Energy, and inserting in lieu thereof the following:

"Under Secretaries, Department of Energy (3).".

SEC. 3137. TRAINING PROGRAMS FOR MANAGEMENT OF HAZARDOUS MATERIALS AND OF HAZARDOUS MATERIALS EMERGENCY RESPONSE ACTIVITIES.

(a) AUTHORITY TO CARRY OUT PROGRAMS.—The Secretary of Energy may carry out the programs described in subsection (b) for persons who work with hazardous materials.

(b) NATURE OF PROGRAMS.—The programs referred to in subsection (a) are programs relating to management of hazardous materials and of hazardous materials emergency response that are designed to enhance the safety of the persons referred to in subsection (a) and to protect the environment.

(c) REGIONAL TRAINING CENTERS.—(1) The programs referred to in subsection (a) may be conducted at regional training centers to be operated under the supervision of the Secretary by qualified (as determined by the Secretary) not-for-profit organizations acting in cooperation with States, labor organizations, or Indian tribes.

(2) In consultation with appropriate representatives of colleges and universities and other organizations having appropriate technical expertise, the Secretary may develop—

(A) standards relating to the operation of centers under this subsection; and

(B) the curricula of the training programs carried out under subsection (a).

(d) AUTHORITY TO CONSTRUCT FACILITIES.—The Secretary may, in cooperation with the Chief of Engineers of the Army, construct such facilities as the Secretary determines necessary to carry out the training programs authorized under subsection (a), including regional training centers located at Department of Energy sites.

(e) DEFINITION.—In this section, the term "Indian tribe" has the meaning provided in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(f) FUNDING.—From funds authorized to be appropriated to the Secretary of Energy under this division, $20,000,000 may be used to carry out programs authorized in subsection (a).

SEC. 3138. REVIEW OF DEPARTMENT OF ENERGY ENVIRONMENTAL COMPLIANCE AGREEMENTS.

(a) REVIEW REQUIRED.—The Secretary of Energy shall review each agreement that the Department of Energy has entered into with the Environmental Protection Agency, a State, or an Indian tribe to bring a Department of Energy facility into compliance with the requirements of the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Water Pollution Control Act (42 U.S.C. 6901 et seq.), the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), or a comparable State or local government law or regulation.

(b) CONTENT OF REVIEW.—The review required by subsection (a) shall identify all required actions or milestones that—

(1) can be completed faster than the schedule provided in the agreement;

(2) are unnecessary because of—

(A) technological or programmatic changes; or

(B) changes in circumstances or assumptions;

(3) cannot be completed by the completion date scheduled in the agreement, but can be accomplished within a reasonable time after such date by the use of a more efficient or more cost-effective technology than the technology that has been used;

(4) cannot be completed by the completion date scheduled in the agreement because necessary technology will not be available in time to meet that schedule;

(5) cannot be completed by the completion date scheduled in the agreement because site characterization, site analysis, or another necessary information collection activity will not be completed in time to meet that schedule; or

(6) may endanger worker health and safety if carried out within the period provided in the agreement.

(c) CONSULTATION REQUIREMENT.—In conducting the review of an agreement pursuant to subsection (a), the Secretary shall consult with all parties to the agreement and representatives of the community in which the Department of Energy facility covered by the agreement is located.

(d) REPORT TO CONGRESS.—The Secretary of Energy, at the same time that the President submits to Congress the budget for fiscal year 1996 pursuant to section 1105 of title 31, United States Code, shall submit to Congress a report setting forth the following matters:

(1) The results of the review conducted pursuant to subsection (a).

(2) Any alternatives to the milestones and commitments that the Secretary considers appropriate.

(3) An explanation of any alternative action or milestone that the Secretary considers necessary, and the reason such alternative is necessary.

(4) For each such alternative—

(A) the date on which the alternative was presented to the other parties to the agreement concerned;

(B) whether the alternative was accepted, rejected, or modified by any party to the agreement; and

(C) whether the agreement was modified to incorporate the alternative.

(e) EXISTING OBLIGATIONS.—(1) Notwithstanding any other provision of this section, nothing in this Act is intended to void or amend any obligation of the United States under any agreement referred to in subsection (a). In addition, this section is not intended to require any party to any agreement referred to in subsection (a) to renegotiate its agreement.

(2) The Secretary of Energy shall, 60 days prior to filing its report required in subsection (d), provide a copy of the proposed report and request comments from parties to agreements referred to in subsection (a). Any such comments received shall be printed as an appendix to the report to Congress.

SEC. 3139. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year period".

SEC. 3140. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

Subtitle D—Cooperative Research and Development

SEC. 3141. SHORT TITLE.

This subtitle may be cited as the "Department of Energy National Competitiveness Technology Partnership Act of 1993".

SEC. 3142. DEFINITIONS.

For purposes of this subtitle, the term—

(a) "Department" means the United States Department of Energy; and

(b) "Secretary" means the Secretary of the United States Department of Energy.

SEC. 3143. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

(a) The Department of Energy Organization Act is amended by adding the following new title (42 U.S.C. 7101 et seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—For purposes of this title, Congress finds that—

"(1) the Department has scientific and technical resources within the departmental laboratories in many areas of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investment in people, facilities and equipment in the departmental laboratories can contribute to the achievement of national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department has pursued aggressively the transfer of technology from departmental laboratories to the private sector; however, the capabilities of the laboratories could be made more fully accessible to United States industry and to other Federal agencies;

"(4) technology development has been increasingly driven by the commercial marketplace, and the private sector has research and development capabilities in a broad range of generic technologies;

"(5) the Department and the departmental laboratories would benefit, in carrying out their missions, from collaboration and partnership with United States industry and other Federal agencies; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the Nation as a whole, including creation of jobs for United States workers and improvement of the competitive position of the United

States in key sectors of the economy such as aerospace, automotive, chemical and electronics.

"(b) PURPOSES.—The purposes of this title are—

"(1) to promote partnerships among the Department, the departmental laboratories and the private sector;

"(2) to establish a goal for the amount of departmental laboratory resources to be committed to partnerships;

"(3) to ensure that the Department and the departmental laboratories play an appropriate role, consistent with the core competencies of the laboratories, in implementing the President's critical technology strategies;

"(4) to provide additional authority to the Secretary to enter into partnerships with the private sector to carry out research, development, demonstration and commercial application activities;

"(5) to streamline the approval process for cooperative research and development agreements proposed by the departmental laboratories; and

"(6) to facilitate greater cooperation between the Department and other federal agencies as part of an integrated national effort to improve United States competitiveness.

"(c) DEFINITIONS.—For purposes of this title, the term—

"(1) 'cooperative research and development agreement' has the meaning given that term in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1));

"(2) 'core competency' means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(3) 'critical technology' means a technology identified in the Report of the National Critical Technologies Panel;

"(4) 'departmental laboratory' means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) or any other laboratory or facility designated by the Secretary;

"(5) 'disadvantaged' has the same meaning as that term has in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6));

"(6) 'dual-use technology' means a technology that has military and commercial applications;

"(7) 'educational institution' means a college, university, or elementary or secondary school, including any not-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) 'minority college or university' means a historically Black college or university that would be considered a 'part B institution' by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a 'minority institution' as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3));

"(9) 'multi-program departmental laboratory' means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(10) 'partnership' means any arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application or technical assistance activities in cooperation with one or more non-Federal partners and which may include partners from other Federal agencies;

"(11) 'Report of the National Critical Technologies Panel' means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(12) 'small business' means a business concern that meets the applicable standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 1102. GENERAL AUTHORITY.

"(a)(1) In carrying out the missions of the Department, the Secretary and the departmental laboratories may conduct research, development, demonstration or commercial application activities that build on the core competencies of the departmental laboratories.

"(2) In addition to missions established pursuant to other laws, the Secretary may assign to departmental laboratories any of the following missions:

"(A) National security, including the—

"(i) advancement of the military application of atomic energy;

"(ii) support of the production of atomic weapons, or atomic weapons parts, including special nuclear materials;

"(iii) support of naval nuclear propulsion programs;

"(iv) support for the dismantlement of atomic weapons and the safe storage, transportation and disposal of special nuclear materials;

"(v) development of technologies and techniques for the safe storage, processing, treatment, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs and of technologies and techniques for the reduction of environmental hazards and contamination due to such waste and the environmental restoration of sites affected by such waste;

"(vi) development of technologies and processes that facilitate the effective negotiation and verification of international arms control agreements and the containment of the proliferation of nuclear weapons and the proliferation of delivery systems for such weapons; and

"(vii) protection of health and promotion of safety in carrying out other national security missions.

"(B) Energy-related science and technology, including the—

"(i) enhancement of the understanding of all forms of energy production and use;

"(ii) support of basic and applied research on the fundamental nature of matter and energy, including construction and operation of unique scientific instruments;

"(iii) development of energy resources, including solar, geothermal, fossil, and nuclear energy resources, and related fuel cycles;

"(iv) pursuit of a comprehensive program of research and development on the environmental effects of energy technologies and programs;

"(v) development of technologies and processes to reduce the generation of waste or pollution or the consumption of energy or materials;

"(vi) development of technologies and techniques for the safe storage, processing, treatment, management, transportation and disposal of nuclear waste resulting from commercial nuclear activities; and

"(vii) improvement of the quality of education in science, mathematics, and engineering.

"(C) Technology transfer.

"(3)(A) In addition to the missions identified in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions—

"(i) support the technology policies of the President;

"(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities;

"(iii) are built upon the competencies developed in carrying out the primary missions identified in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

"(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties.

"(B) These supporting missions shall include activities in the following areas:

"(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

"(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes; and

"(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

"(4) In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, make use of partnerships. Such partnerships shall be for purposes of the following:

"(A) to lead to the development of technologies that the private sector can commercialize in areas of technology with broad application important to United States technological and economic competitiveness;

"(B) to provide Federal support in areas of technology where the cost or risk is too high for the private sector to support alone but that offer a potentially high payoff to the United States;

"(C) to contribute to the education and training of scientists and engineers;

"(D) to provide university and private researchers access to departmental laboratory facilities; or

"(E) to provide technical expertise to universities, industry or other Federal agencies.

"(b) The Secretary, in carrying out partnerships, may enter into agreements using instruments authorized under applicable laws, including but not limited to contracts, cooperative research and development agreements, work for other agreements, user-facility agreements, cooperative agreements, grants, personnel exchange agreements and patent and software licenses with any person, any agency or instrumentality of the United States, any State or local governmental entity, any educational institution, and any other entity, private sector or otherwise.

"(c) The Secretary and the directors of the departmental laboratories shall utilize partnerships with United States industry, to the maximum extent practicable, to ensure that technologies developed in pursuit of the Department's missions are applied and commercialized in a timely manner.

"(d) The Secretary shall work with other Federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the departmental laboratories could contribute to the missions of such other agencies.

"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN DEPARTMENTAL LABORATORIES AND UNITED STATES INDUSTRY.

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to make available for cost-shared partnerships with United States industry not less than 20 percent of the annual funds provided by the Secretary to each multi-program departmental laboratory for research, development, demonstration and commercial application activities.

"(b) Beginning in fiscal year 1994, the Secretary shall establish an appropriate goal for the amount of resources to be made available for cost-shared partnerships with United States industry at other departmental laboratories.

"SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.

"(a) The Secretary shall develop a multi-year critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for the critical technologies listed in the Report of the National Critical Technologies Panel.

"(b) In developing such strategy, the Secretary shall—

"(1) identify the core competencies of each departmental laboratory;

"(2) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, taking into consideration the core competencies of the departmental laboratories;

"(3) consult with appropriate representatives of United States industry, including members of industry associations and representatives of labor organizations; and

"(4) participate in the executive branch process to develop critical technology strategies.

"SEC. 1105. PARTNERSHIP PREFERENCES.

"(a) The Secretary shall ensure that the principal economic benefits of any partnership accrue to the United States economy.

"(b) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4)) if it were a cooperative research and development agreement shall be given preference under this title.

"(c) The Secretary shall issue guidelines, after consultation with the Laboratory Partnership Advisory Board established in section 1109, for application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4)) and application of subsection (a) of this section to partnerships.

"(d) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

"SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.

"(a) The Secretary, in consultation with the Laboratory Partnership Advisory Board established in section 1109, shall develop mechanisms for independent evaluation of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the progress of each partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under paragraph (1) to evaluate the accomplishments of each ongoing multi-year partnership and shall condition continued Federal participation in each partnership on demonstrated progress.

"SEC. 1107. ANNUAL REPORT.

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1109.

"(b) The Secretary shall submit the report under subsection (a) to the appropriate Committees of the Congress. No later than March 1, 1994, and no later than the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on ongoing partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director plans to carry out in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities by area of technology;

"(3) any plans for additional funds not described in paragraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) any partnership that involves a Federal contribution in excess of $500,000 the Secretary or the director of each departmental laboratory expects to enter into in the coming fiscal year;

"(5) the technologies that will be advanced by each partnership that involves a Federal contribution in excess of $500,000;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership, which has not been described previously in the report required by subsection (a), that involves a Federal contribution in excess of $500,000.

"SEC. 1108. PARTNERSHIP PAYMENTS.

"(a)(1) Partnership agreements entered into by the Secretary may require a person or other entity to make payments to the Department, or any other Federal agency, as a condition for receiving support under the agreement.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under paragraph (3). Amounts so credited shall be available, subject to appropriations, for partnerships.

"(3) There is hereby established in the United States Treasury an account to be known as the 'Department of Energy Partnership Fund'. Funds in such account shall be available to the Secretary for the support of partnerships.

"(b) The Secretary may advance funds under any partnership without regard to section 3324 of title 31 of the United States Code to—

"(1) small businesses;

"(2) not-for-profit organizations that would be exempt under section 501(a) of the Internal Revenue Code of 1986; or

"(3) State or local governmental entities.

"SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.

"(a)(1) The Secretary shall establish within the Department an advisory board to be known as the 'Laboratory Partnership Advisory Board', to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of persons who are qualified to provide the Secretary with advice on the implementation of this title. Members of the Board shall include representatives primarily from United States industry but shall also include representatives from—

"(A) small businesses;

"(B) private sector entities owned or controlled by disadvantaged persons;

"(C) educational institutions, including representatives from minority colleges or universities;

"(D) laboratories of other Federal agencies; and

"(E) professional and technical societies in the United States.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of persons from United States industry to—

"(1) evaluate new initiatives proposed by the departmental laboratory;

"(2) identify opportunities for partnerships with United States industry; and

"(3) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory from utilizing existing advisory boards to achieve the purposes of this section.

"SEC. 1110. FELLOWSHIP PROGRAM.

"The Secretary shall encourage scientists, engineers and technical staff from departmental laboratories to serve as visiting fellows in research and manufacturing facilities of industrial organizations, State and

local governments, and educational institutions in the United States and foreign countries. The Secretary may establish a formal fellowship program for this purpose or may authorize such activities on a case-by-case basis. The Secretary shall also encourage scientists and engineers from United States industry to serve as visiting scientists and engineers in the departmental laboratories.

"SEC. 1111. COOPERATION WITH STATE AND LOCAL PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.

"The Secretary and the director of each departmental laboratory shall seek opportunities to coordinate their activities with programs of State and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the United States Code and programs funded in part by the Secretary of Commerce pursuant to sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and 278l) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 278l note).

"SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense programs, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for atomic energy defense activities shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(c) Funds authorized to be appropriated to the Secretary and made available for departmental laboratory-directed research and development shall be available for any partnership.

"SEC. 1113. PROTECTION OF INFORMATION.

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

"SEC. 1114. FAIRNESS OF OPPORTUNITY.

"(a) The Secretary and the director of each departmental laboratory shall institute procedures to ensure that information on laboratory capabilities and arrangements for participating in partnerships with the Secretary or the departmental laboratories is publicly disseminated.

"(b) Prior to entering into any partnership having a Federal contribution in excess of $5,000,000, the Secretary or director of a departmental laboratory shall ensure that the opportunity to participate in such partnership has been publicly announced to potential participants.

"(c) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of a United States industry consortium to pursue the partnership activity.

"SEC. 1115. PRODUCT LIABILITY.

"The Secretary, after consultation with the Laboratory Partnership Advisory Board established in section 1109, and the Attorney General shall enter into a memorandum of understanding establishing a consistent policy and standards regarding the liability of the United States, of the non-Federal entity operating a departmental laboratory and of any other party to a partnership for product liability claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership the policy and standards established in the memorandum of understanding.

"SEC. 1116. INTELLECTUAL PROPERTY.

"The Secretary shall, after consultation with the Laboratory Partnership Advisory Board established in section 1109, develop guidelines governing the application of intellectual property laws by the Secretary and by the director of each departmental laboratory in partnership arrangements.

"SEC. 1117. SMALL BUSINESS.

"(a) The Secretary shall develop simplified procedures and guidelines for partnerships involving small businesses to facilitate access to the resources and capabilities of the departmental laboratories.

"(b) Notwithstanding any other law, the Secretary may waive, in whole or in part, any cost-sharing requirement for a small business involved in a partnership if the Secretary determines that the cost-sharing requirement would impose an undue hardship on the small business and would prevent the formation of the partnership.

"(c) Notwithstanding section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), the Secretary may provide funds as part of a cooperative research and development agreement to a small business if the Secretary determines that the funds are necessary to prevent imposing an undue hardship on the small business and necessary for the formation of the cooperative research and development agreement.

"SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.

"Within one year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the appropriate committees of the United States Senate and the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

"(a) describe ongoing education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

"(b) describe ongoing research, development demonstration or commercial application activities involving the Department or the departmental laboratories and minority colleges and universities;

"(c) describe funding levels for the programs and activities described in subsections (a) and (b);

"(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

"(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

"(f) address the need for and potential role of the Department or the departmental laboratories in providing to minority colleges and universities the following:

"(1) increased research opportunities for faculty and students;

"(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

"(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

"(g) address the need for and potential role of the Department or the departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

"(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

"SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAM.

"The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study. Scholarships awarded under this program shall be known as Secretary of Energy Scholarships.".

(b) CONFORMING AMENDMENT.—The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by adding at the end thereof the following items:

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"Sec. 1101. Finding, purposes, and definitions.
"Sec. 1102. General authority.
"Sec. 1103. Establishment of goal for partnerships between departmental laboratories and United States industry.
"Sec. 1104. Role of the Department in the development of critical technology strategies.
"Sec. 1105. Partnership preferences.
"Sec. 1106. Evaluation of partnership programs.
"Sec. 1107. Annual report.
"Sec. 1108. Partnership payments.
"Sec. 1109. Laboratory partnership advisory board and industrial advisory groups at multi-program departmental laboratories.
"Sec. 1110. Fellowship program.
"Sec. 1111. Cooperation with State and local programs for technology development and dissemination.
"Sec. 1112. Availability of funds for partnerships.
"Sec. 1113. Protection of information.
"Sec. 1114. Fairness of opportunity.
"Sec. 1115. Product liability.
"Sec. 1116. Intellectual property.

"Sec. 1117. Small business.
"Sec. 1118. Minority college and university report.
"Sec. 1119. Minority college and university scholarship program.".

SEC. 3144. NATIONAL ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.

The Secretary is encouraged to use partnerships to expedite the private sector deployment of advanced manufacturing technologies as required by section 2202(a) of the Energy Policy Act of 1992 (42 U.S.C. 13502).

SEC. 3145. NOT-FOR-PROFIT ORGANIZATIONS.

The Secretary shall encourage the establishment of not-for-profit organizations, such as the Center for Applied Development of Environmental Technology (CADET), that will facilitate the transfer of technologies from the departmental laboratories to the private sector.

SEC. 3146. CAREER PATH PROGRAM.

(a) The Secretary, utilizing authority under other applicable law and the authority of this section, shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

(b) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by a person employed at a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(B) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

(c) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by inserting the following new subsection:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraphs (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): *Provided*, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

SEC. 3147. AVLIS COMMERCIALIZATION.

(a) PREDEPLOYMENT CONTRACTOR.—Not later than ninety days after the date of enactment of this Act, the Secretary shall solicit proposals for a commercial predeployment contractor to conduct such activities as may be necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology. Such activities shall include—

(1) developing a transition plan for transferring the AVLIS program from research, development, and demonstration activities at the Lawrence Livermore National Laboratory to deployment of a commercial AVLIS production plant;

(2) confirming the technical performance of AVLIS technology;

(3) developing the economic and industrial assessments necessary for the Secretary or his successor to make a commercial decision whether to deploy AVLIS;

(4) providing an industrial perspective for the planning and execution of remaining demonstration program activities; and

(5) completing feasibility and risk studies necessary for a commercial decision whether to deploy AVLIS, including financing options.

(b) ADDITIONAL ACTIVITIES.—Based upon the results of subsection (a), the Secretary may solicit additional proposals to complete the following activities:

(1) site selection, site characterization, and environmental documentation activities for a commercial AVLIS plant;

(2) engineering design of a production plant, developing a project schedule, and initiating operations planning;

(3) activities leading to obtaining necessary licenses from the Nuclear Regulatory Commission; and

(4) ensuring the successful integration of AVLIS technology into the commercial nuclear fuel cycle.

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a written report on the progress made toward the deployment of a commercial AVLIS production plant ninety days after the date of enactment of this Act and each ninety days thereafter.

SEC. 3148. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

(a) Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) by deleting subparagraph (C)(i) and inserting in lieu thereof the following:

"(C)(i) Any agency that has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement and cooperative research and development agreement that is submitted by the director of such laboratory within thirty days after such submission. In any case where an agency has requested specific modifications to a joint work statement or cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such joint work statement or cooperative research and development agreement within fifteen days after such resubmission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the cooperative research and development agreement and a joint work statement.";

(2) by adding in subparagraph (C)(ii) the words, "or cooperative research and development agreement" after "joint work statement";

(3) by deleting subparagraph (C)(iv);

(4) by deleting subparagraph (C)(v) and inserting in lieu thereof:

"(C)(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within ten days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continued failure."; and

(5) by deleting subparagraph (C)(vi).

(b) Section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) is amended—

(1) in subparagraph (B) by striking "substantial" before "purpose"; and

(2) in subparagraph (C) by striking "the primary purpose" and inserting in lieu thereof "one of the purposes".

SEC. 3149. GUIDELINES.

The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines, policies or standards required by sections 1105, 1115 and 1116 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act.

SEC. 3150. AUTHORIZATION.

(a) In addition to funds made available for partnerships under section 1112 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and $220,000,000 for fiscal year 1997.

(b) There is authorized to be appropriated to the Secretary for the Minority College and University Scholarship Program established in section 1119 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3143 of this Act in areas other than atomic energy defense activities $1,000,000 for fiscal year 1994, $2,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.

(c) There is authorized to be appropriated to the Secretary for research or educational programs, in areas other than atomic energy defense activities, carried out through partnerships or otherwise, and for related facilities and equipment that involve minority colleges or universities such sums as may be necessary.

TITLE XXXII—NUCLEAR SAFETY

SEC. 3201. AUTHORIZATION FOR DEFENSE NUCLEAR SAFETY BOARD.

There are authorized to be appropriated for fiscal year 1994, $18,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CONGRESS OF CERTAIN INFORMATION PREPARED BY DEFENSE NUCLEAR SAFETY BOARD.

(a) REQUIREMENT.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) by redesignating section 320 as section 321; and

(2) by inserting after section 319 the following new section 320:

"SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO CONGRESS.

"Whenever the Board submits or transmits to the President or the Director of the Office of Management and Budget any budget estimate, budget request, supplemental budget

request, or other budget information, any legislative recommendation, or any statement or information in preparation of a report to be submitted to Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to Congress.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by striking out the item relating to section 320 and inserting in lieu thereof the following:

"Sec. 320. Transmittal of certain information to Congress.
"Sec. 321. Annual authorization of appropriations.".

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1464. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of Safeguards Information for the quarter ending June 30, 1993; to the Committee on Environment and Public Works.

EC-1465. A communication from the Administrator of the Environmental Protection Agency, transmitting, a draft of proposed legislation to amend Title VI of the Federal Water Pollution Control Act (the Clean Water Act); to the Committee on Environment and Public Works.

EC-1466. A communication from the Principal Deputy Inspector General, Department of Health and Human Services, a report of the financial review of the National Institute of Environmental Health Sciences' use of Superfund monies for fiscal year 1991; to the Committee on Environment and Public Works.

EC-1467. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on implementation of section 112 of the Clean Air Act Amendments of 1990; to the Committee on Environment and Public Works.

EC-1468. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC-1469. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC-1470. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to restore equal treatment of foreign military sales and direct commercial sales in nonrecurring cost recoupment; to the Committee on Foreign Relations.

EC-1471. A communication from the Chairman of the J. William Fulbright Foreign Scholarship Board, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Foreign Relations.

EC-1472. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report on Khmer Rouge violations of the United Nations Peace Agreement and the United States response to those violations; to the Committee on Foreign Relations.

EC-1473. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report of a Presidential determination on drawdown of Department of Defense articles and services for international disaster assistance in Ecuador; to the Committee on Foreign Relations.

EC-1474. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-75 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1475. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-76 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1476. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-77 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1477. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-78 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1478. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-79 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1479. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-80 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1480. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-91 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1481. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-92 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1482. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-93 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1483. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-94 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1484. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-95 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1485. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-96 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1486. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-97 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1487. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-107 adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC-1488. A communication from the Manager (Employee Benefits), AgriBank, transmitting, pursuant to law, the annual report on the sixth farm credit district retirement plan for calendar year 1992; to the Committee on Governmental Affairs.

EC-1489. A communication from the Manager (Employee Benefits), AgriBank, transmitting, pursuant to law, the annual report on the seventh farm credit district retirement plan for calendar year 1992; to the Committee on Governmental Affairs.

EC-1490. A communication from the Comptroller General of the United States, transmitting, pursuant to law, reports and testimony for June 1993; to the Committee on Governmental Affairs.

EC-1491. A communication from the Comptroller General of the United States, transmitting, pursuant to law, reports and testimony for July 1993; to the Committee on Governmental Affairs.

EC-1492. A communication from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, the annual report for the Commodity Credit Corporation; to the Committee on Governmental Affairs.

EC-1493. A communication from the Secretary of Commerce, transmitting, pursuant to law, the fourth progress report on contracting for the rebuilding of Kuwait; to the Committee on Governmental Affairs.

EC-1494. A communication from the Executive Secretary of the Federal Reserve Employee Benefits System, transmitting, pursuant to law, the annual report of the retirement plan for employees of the Federal Reserve System; to the Committee on Governmental Affairs.

EC-1495. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Federal Housing Administration for fiscal year 1992; to the Committee on Governmental Affairs.

EC-1496. A communication from the Bureau of Mines, Department of the Interior, transmitting, a report of the Information Resource Management Acquisitions quality improvement team; to the Committee on Governmental Affairs.

EC-1497. A communication from the Secretary of Labor, transmitting, pursuant to

law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on Governmental Affairs.

EC–1498. A communication from the Inspector General, Securities and Exchange Commission, transmitting, a draft of proposed legislation to amend the Federal Civil Penalties Inflation Adjustment Act of 1990; to the Committee on Governmental Affairs.

EC–1499. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–1500. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Federal Personnel Offices: Time For Change?"; to the Committee on Governmental Affairs.

EC–1501. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the District of Columbia Public School System's Realty Program"; to the Committee on Governmental Affairs.

EC–1502. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report of a plan to establish a new pay and job evaluation system for Federal law enforcement officers; to the Committee on Governmental Affairs.

EC–1503. A communication from the Chairperson of the District of Columbia Commission on Judicial Disabilities and Tenure, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, with amendments:

H.R. 2518. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–143).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Zachary W. Carter, of New York, to be U.S. attorney for the Eastern District of New York for the term of 4 years;

Patrick H. NeMoyer, of New York, to be U.S. attorney for the Western District of New York for the term of 4 years;

Mary Jo White, of New York, to be U.S. attorney for the Southern District of New York for the term of 4 years;

James Patrick Connelly, of Washington, to be U.S. attorney for the Eastern District of Washington for the term of 4 years;

John Thomas Schneider, of North Dakota, to be U.S. attorney for the District of North Dakota for the term of 4 years;

William David Wilmoth, of West Virginia, to be U.S. attorney for the Northern District of West Virginia for the term of 4 years;

Gaynelle Griffin Jones, of Texas, to be U.S. attorney for the Southern District of Texas for the term of 4 years;

Karen Elizabeth Schreier, of South Dakota, to be U.S. attorney for the District of South Dakota for the term of 4 years;

Walter Michael Troop, of Kentucky, to be U.S. attorney for the Western District of Kentucky for the term of 4 years;

Eric Himpton Holder, Jr., of the District of Columbia, to be U.S. attorney for the District of Columbia for the term of 4 years;

Stephen Charles Lewis, of Oklahoma, to be U.S. attorney for the Northern District of Oklahoma for the term of 4 years;

Vicki Lynn Miles-LaGrange, of Oklahoma, to be U.S. attorney for the Western District of Oklahoma for the term of 4 years;

John W. Raley, Jr., of Oklahoma, to be U.S. attorney for the Eastern District of Oklahoma for the term of 4 years;

Randall K. Rathbun, of Kansas, to be U.S. attorney for the District of Kansas for the term of 4 years;

Paula Jean Casey, of Arkansas, to be U.S. attorney for the Eastern District of Arkansas for the term of 4 years;

Paul Kinloch Holmes III, of Arkansas, to be U.S. attorney for the Western District of Arkansas for the term of 4 years;

Lynne Ann Battaglia, of Maryland, to be U.S. attorney for the District of Maryland for the term of 4 years; and

Scott M. Matheson, Jr., of Utah, to be U.S. attorney for the District of Utah for the term of 4 years.

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102–36 Treaty with the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 103–7);

Treaty Doc. 103–2 Treaty with the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 103–8);

Treaty Doc. 103–3 Treaty with the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 103–9);

Treaty Doc. 103–11 Treaty with the Republic of Armenia Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 103–10);

Treaty Doc. 103–12 Treaty with the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 103–11);

Treaty Doc. 103–13 Treaty with the Republic of Kyrgyzstan Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 103–12);

Treaty Doc. 103–14 Treaty with the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 103–13); and

Treaty Doc. 103–15 Treaty with the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 103–14).

TEXTS OF RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol and Related Exchange of Letters, signed at Bucharest on May 28, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol, signed at Washington on November 14, 1991; and an Amendment to the Protocol effected by Exchange of Notes at Buenos Aires on August 24 and November 6, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and Related Exchange of Letters, signed at Washington on September 23, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Armenia Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on September 23, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on May 19, 1992.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Kyrgyzstan Concerning the Encouragement and Reciprocal Protection of Investment, signed at Washington on January 19, 1993.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and Related Exchange of Letters, signed at Washington on April 21, 1993.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and Related Exchange of Letters, signed at Washington on August 27, 1993.

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. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1459. A bill to make improvements in the protection of coastal waters, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MOSELEY-BRAUN:

S. 1460. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. SASSER, and Mr. WARNER):

S. 1461. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the

National Museum of Natural History building; to the Committee on Rules and Administration.

By Mr. DODD:

S. 1462. A bill to reduce and prevent the incidence of violence involving children; to the Committee on Labor and Human Resources.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1463. A bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1464. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure gender equity in education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1465. A bill to amend certain education laws regarding gender equity training, dropout prevention, and gender equity research and data; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, Mr. KENNEDY, Mr. HARKIN, Mrs. MURRAY, and Ms. MIKULSKI):

S. 1466. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Labor and Human Resources.

By Mr. WELLSTONE:

S.J. Res. 133. To ensure that members of Congress participate on an equal basis with their constituents in the health care system that results from health care reform legislation; to the Committee on Labor and Human Resources.

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. DECONCINI, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, and Mr. THURMOND):

S.J. Res. 134. A joint resolution to designate October 19, 1993, as "National Mammography Day"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. INOUYE, Mr. HATFIELD, Mr. MOYNIHAN, Mr. SIMPSON, Mr. BUMPERS, Mrs. KASSEBAUM, Mr. CONRAD, Mr. METZENBAUM, Mr. BRADLEY, Mr. KERRY, Mr. SARBANES, Mr. LIEBERMAN, Mr. LEVIN, Mr. PELL, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. HEFLIN, Mr. LEAHY, Mr. MITCHELL, Mr. RIEGLE, Mr. NUNN, Mr. ROCKEFELLER, Mr. CAMPBELL, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. MATHEWS Mr. JEFFORDS, and Mr. CHAFEE):

S.J. Res. 135. A joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Day"; to the Committee on the Judiciary.

By Mr. SIMON:

S.J. Res. 136. A joint resolution to designate the month of July 1994 as "Lewis and Clark Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MOSELEY-BRAUN:

S. Res. 144. A resolution commending Johan Jorgen Holst of Norway for his contribution to peace in the Middle East; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1459. A bill to make improvements in the protection of coastal waters, and for other purposes; to the Committee on Environment and Public Works.

COASTAL WATERS IMPROVEMENT ACT OF 1993

• Mr. LAUTENBERG. Mr. President, I introduce the Coastal Waters Improvement Act. This bill includes a number of provisions which will help improve the quality of our coastal waters, a critical environmental, recreational, and economic asset to our coastal States and the Nation.

Mr. President, pollution continues to pose a great threat to our Nation's coastal waters. The Environmental Protection Agency's 1990 National Water Quality Inventory revealed that more than 8,500 square miles of the Nation's estuarine waters fail to meet water quality standards. In New Jersey alone, 141 square miles of estuarine waters are failing to meet water quality standards.

The Office of Technology Assessment, in a 1987 report, concluded that the overall health of our coastal waters is "declining or threatened," and that "in the absence of additional measures, new or continued degradation will occur in many estuaries and some coastal waters around the country." OTA also determined that contamination of the marine environment has a wide range of adverse effects on birds and mammals, finfish and shellfish, aquatic vegetation and benthic organisms. Finally, OTA concluded that existing programs, even if fully implemented, are not adequate to maintain and improve our coastal waters.

Our marine waters, from the landward limits of our estuaries to our oceans, have a substantial and direct importance to the American people. These waters perform important ecological functions by providing important habitat, nursery grounds and food sources for a great diversity of plants, and fish, bird and other animal species. The resources in these waters support commercial and recreational fishing, tourism, recreation, and related opportunities. They result in annual expenditures of tens of billions of dollars and unquantifiable enjoyment for our citizens.

The New Jersey shore is the driving force behind New Jersey's $18 billion tourism sector, which is the second largest revenue-producing industry in the State. In 1991, 8.8 million people stayed overnight at the shore and an additional 59 million made day trips to New Jersey beaches. Furthermore, 353,000 people serviced these visitors in some capacity, making the tourism industry the number one employer in the State.

While the Congress has taken a number of important actions to deal with coastal pollution, it is clear that more needs to be done. The Coastal Waters Improvement Act provides a comprehensive approach to deal with this critical issue by providing the necessary authorities to attack coastal pollution.

Title I contains the text of S. 997, the Beaches Environmental Assessment, Closure and Health Act. This bill will help us reach Clean Water Act's goal of ensuring that the waters of our Nation are swimmable. It would require the testing of beach waters, the promulgation of a beach water quality standard, and the posting of a notice warning bathers when beach water quality fails to achieve the water quality standard.

Title II contains the text of S. 1199, the Coastal Protection Act, which Senator MITCHELL and I introduced earlier this year. It is based on hearings held jointly in 1989 by the Subcommittee on Superfund, Ocean and Water Protection, which I chaired, and the Subcommittee on Environmental Protection. Among its provisions, title II would:

Require the EPA to use the section 313 toxics release inventory to prepare an assessment of sources and geographical areas of marine toxics and a strategy to use this information to improve its existing water programs;

Require EPA to designate marine waters needing priority attention. Areas designated would have to implement a number of requirements aimed at reducing pollution levels;

Mandate that EPA submit a plan to expeditiously establish and revise marine water quality criteria which the States will use to establish State standards. These standards are used to establish limits on discharges into coastal waters;

Direct EPA to consider whether a facility discharging into coastal waters has demonstrated a need to discharge based on whether the facility has implemented pollution prevention measures, before determining whether to issue a permit to discharge pollutants into coastal waters;

Require EPA and NOAA to conduct a study of Federal agency programs which may affect the marine environment. Federal agencies would be required to consider alternatives to avoid

adverse impacts to the marine environment; and

Mandate a joint EPA and NOAA to conduct studies of the economic losses caused by coastal pollution, and the causes of algal blooms in ocean waters.

The Coastal Protection Act also would authorize the Corps of Engineers to provide financial assistance to local governments for the construction of facilities to control combined sewer overflows. This provision is similar to the Combined Stormwater and Sewer Overflow Management Strategy Act of 1992 which I joined Senator MOYNIHAN, MITCHELL, and others in the last Congress.

Mr. President, in 1,200 cities primarily in the Northeast and Great Lakes regions of the United States, serving 43 million people, stormwater and sanitary sewage systems are combined. In wet weather, the capacity of sewage treatment facilities can be overwhelmed resulting in untreated discharges into our Nation's waters. Overflow mechanisms are built into such systems to divert the wastewater and stormwater to overflow points to avoid overloading the sewer system.

These diversions, which are known as combined sewer overflows or CSO's, contain untreated sewage, industrial wastewater, plastics and other floatables, and stormwater. CSO discharges contain bacteria which can force the closure of our beaches and shellfish beds. CSO's contain nutrients which can stimulate excessive growth of algae depleting the dissolved oxygen in the water which aquatic resources need to survive. CSO's contain industrial waste which pollute our waterways with toxic chemicals. CSO's also threaten the esthetics of our waterways and shorelines with floatable debris. According to EPA, CSO's are a source of contamination for 5,000 miles of rivers, 21,000 acres of lakes, 500 square miles of estuaries, and 130 shore miles of oceans.

CSO's pose significant threats to public health through exposure to sewage contaminated waters and ingestion of contaminated fish and shellfish. Cholera, gastroenteritis, viral hepatitis, and dysentery can all be transmitted in water. The Centers for Disease Control has concluded that untreated human waste is a major cause of outbreaks of such diseases. And in 1987 the Office of Technology Assessment concluded that the risk of human exposure to bacteria through consumption of tainted seafood is on the rise. According to a survey released by the Natural Resources Defense Council in 1992, in the coastal States which monitor beach water quality, there were over 2,000 occasions when beaches were closed or advisories issued against swimming because of bacterial contamination. In the Northeast, more than 50 percent of the 513,000 acres of closed or restricted shellfishing areas have been polluted by CSO's.

CSO's can adversely affect fish and wildlife. CSO's can deplete dissolved oxygen in waterways, decreasing survival and reproduction of aquatic species. Large decreases in dissolved oxygen can result in fish kills and chronic decreases can result in aquatic dead zones. Excessive nutrients found in CSO's can cause algal blooms, producing toxins harmful to marine organisms. Thousands of pounds of toxic discharges can cause diseases and abnormalities in fish and can accumulate at dangerous levels in aquatic resources which remain in the food chain. Floatable material in CSO's can threaten birds, fish and marine mammals through ingestion or entanglement.

CSO's can result in debris littering our waterways and washing up along shorelines and beaches. Such washups can impact tourism and recreation and result in losses in the billions of dollars.

We must address the problems CSO's pose to our Nation's waters as we act to revise the Clean Water Act in this Congress. The Coastal Protection Act contains one option which we should consider.

Title III of the bill incorporates the Marine Plastic Pollution Research and Control Act Amendments of 1993. This bill would improve implementation of the 1987 Marine Plastic Pollution Research and Control Act to keep plastics and other garbage off our beaches.

Mr. President, the marine environment and our coastal tourist industry is jeopardized every time a person visits the beach and finds it littered with bottles, cans, and all sorts of garbage. I have participated in nationally sponsored beach cleanup events in New Jersey, and with other volunteers, have collected the trash that washes up on our shores. This litter is an ugly sight and there are tons and tons of it.

By collecting these debris, we can often identify their sources. During their 1991 beach cleanup, the Center for Marine Conservation found nearly 90,000 pieces of plastic rope, 40,000 plastic trash bags, 33,000 plastic gallon jugs, and many other plastic items which originate aboard commercial vessels. And there is likely to be far more ship-generated waste that is not documented, because it is impossible to determine the origins of most beach trash.

Furthermore, not all of the plastic waste that is discharged by vessels even reaches the beach. Often, plastic fishing lines and other materials are ingested by marine mammals, which mistake them for food. When marine organisms wash up on the shore entangled in plastic, the reason that they reached the beach is quite apparent.

In 1987 I sponsored legislation which prohibited ships from discharging plastic and restricted other types of waste discharge into the sea. And while there has been improvement as a result of my legislation, much remains to be done.

Since the Marine Plastic Pollution Research and Control Act was passed in 1987, I have worked with the Coast Guard to monitor and improve the law's enforcement. I have seen to it that the Coast Guard received more resources to implement the act than it requested. Yet, an oversight hearing that I conducted last September highlighted numerous deficiencies in the Coast Guard's enforcement of this act.

Title III of the bill I am introducing today would address these deficiencies. The Marine Plastic Pollution Research and Control Act Amendments of 1993 provides the Coast Guard with additional authority and imposes stricter requirements on it, all aimed at improving enforcement of waste disposal practices aboard vessels and at ports.

One of the most difficult enforcement problems associated with annex V of the international MARPOL Convention, which the 1987 legislation ratified, is determining whether garbage or plastics were dumped at sea. My original legislation mandated that the Coast Guard promulgated regulations requiring ships to maintain records of waste disposal activities, in order to facilitate monitoring of such practices. This requirement has not yet been met. The bill I am introducing requires that the Coast Guard comply with this mandate within 1 year.

The bill also expands the crew and passenger education requirement to include a structured briefing about the MARPOL Convention for everyone on board a ship before disembarkation, perhaps as part of the vessel's safety briefing. If you are a passenger on a cruise ship, an announcement over the loudspeaker about MARPOL will no longer be sufficient, and ships that do not comply with these regulations may be subject to fines. Additionally, a citizen witnessing violations of any of the marine plastic law's provisions can report them promptly to the Coast Guard by using the toll free number established under this act.

As we continue expanding our global economy, more and more foreign ships ply our waters delivering and picking up goods. In instances where the U.S. Coast Guard cannot take action against foreign vessels suspected of violating the international convention, our State Department notifies the appropriate foreign flag state of the infraction. However, few of the nations which are signatories to the convention ever investigate or take appropriate action against their vessels. This legislation authorizes the Coast Guard to withhold clearance for a ship from a nation which has not adequately responded to a notification by our Government that a vessel under its registry violated the MARPOL protocol.

The bill also attacks the ocean dumping problem by ensuring adequate waste reception facilities at all ports and terminals. It provides that adequacy can only be determined through onsite inspections by the Coast Guard, at which time a certificate can be issued. In order to ensure that facilities are maintained, the certificate must be renewed every 5 years, or sooner if there is a change in port operator.

Perhaps the most important finding with regard to such reception facilities is that, even where adequate facilities are available, they are grossly underutilized by incoming vessels. The reasons for underutilization of reception facilities are twofold.

The first, inadequate enforcement of dumping violations, is addressed in this bill in two ways. Under the bill, the Coast Guard is required to conduct follow-up inspections of vessels that an Animal, Plant, and Health Inspection Service inspector reports have violated the act. As I discussed earlier, the bill also facilitates increased citizen involvement, including a requirement that all vessels conduct briefings on MARPOL for crew and passengers, and establishment of a toll free telephone number for citizens to report violations.

The second reason for the underutilization of waste reception facilities is inconsistent fee structures at ports and terminals. Separate and often unpredictable charges for disposing of waste at terminals provides a major disincentive for ships to bring their waste ashore. Instead, it just goes over the side. My bill rectifies this disincentive by prohibiting separate charges for refuse disposal at ports and terminals. Whatever costs ports need to recoup for providing routine waste disposal services will need to be included in their docking fee or some other obligatory fee. If ships know that they will pay for this service regardless of whether or not they use it, they will be more likely to use it.

At a Transportation Appropriations Subcommittee hearing I chaired a few months ago on the Coast Guard budget, I questioned Adm. William Kime about this bill. Admiral Kime stated strong support for this legislation, indicating that it is much needed and goes a long way toward overcoming problems of inadequate enforcement.

In particular, the admiral pointed to the provision I just spoke about, which disallows separate waste disposal fees at ports, as a very important incentive for greater utilization of reception facilities. Admiral Kime also commended the bill's measures to improve compliance by other flag states that are signatories to MARPOL. He mentioned that the Coast Guard is also attempting to promote greater international compliance, by proposing an amendment to the international enforcement agreement which mimics the record book requirement contained in my bill.

This bill takes a large step toward ensuring that ocean-going vessels take responsibility for properly disposing of their waste, instead of putting their trash onto our beaches or into the bellies of marine life.

I urge my colleagues to join me in supporting the Coastal Waters Improvement Act. And I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Coastal Waters Improvement Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—BEACH TESTING AND MONITORING

Sec. 101. Purpose.
Sec. 102. Water quality criteria and standards.
Sec. 103. Coastal beach water quality monitoring.
Sec. 104. Study to identify indicators of human-specific pathogens in coastal recreation waters.
Sec. 105. Grants to States.
Sec. 106. Definitions.
Sec. 107. Authorization of appropriations.

TITLE II—COASTAL PROTECTION

Sec. 201. References to the Federal Water Pollution Control Act.
Sec. 202. Policy.
Sec. 203. Coastal environment toxics release assessment.
Sec. 204. National estuary program.
Sec. 205. Priority marine waters.
Sec. 206. National marine water quality education program.
Sec. 207. Marine sanitation devices.
Sec. 208. Marine water quality criteria and standards.
Sec. 209. Ocean discharge criteria.
Sec. 210. Combined sewer overflow control assistance.
Sec. 211. Definitions.
Sec. 212. Federal agency responsibilities.
Sec. 213. Reports and studies.

TITLE III—POLLUTION FROM SHIPS

Sec. 301. Definition of operator.
Sec. 302. Prevention of pollution from ships.
Sec. 303. Marine plastic pollution research and control.

SEC. 2. FINDINGS.

Congress finds that—

(1) the beaches of the United States are a valuable public resource used for recreation by millions of people annually;

(2) the beaches of coastal States are hosts to many out-of-State and international visitors;

(3) tourism in the coastal zone generates billions of dollars annually;

(4) increased population has contributed to the decline in the environmental quality of coastal waters;

(5) pollution in coastal waters is not restricted by State and other political boundaries;

(6) since each coastal State has its own method of testing the quality of its coastal recreation waters, varying degrees of protection are provided to the public;

(7) the adoption of standards by coastal States for monitoring the quality of coastal recreation waters, and the posting of signs at beaches notifying the public during periods when the standards are exceeded, would enhance public health and safety;

(8) the marine and coastal waters of the United States have substantial and direct importance to a large segment of the population of the United States;

(9) the marine and coastal waters, including estuaries, are vital and productive natural ecosystems;

(10) the marine and near coastal waters support commercial and recreational fisheries, with an annual value estimated at over $12,000,000,000 per year;

(11) the marine and coastal waters support extensive recreational activities and related support services;

(12) the maintenance and protection of the environmental quality of the marine and coastal waters of the United States is essential to the commercial and recreational activities the waters support;

(13) a report by the Office of Technology Assessment of Congress found that the overall health of estuaries and coastal waters is declining or threatened;

(14) recent studies and reports provide evidence that many areas of the marine environment have been degraded or are threatened by sources of pollution, including industrial and municipal waste disposal, urban and agricultural runoff, inadequately controlled development, and habitat destruction;

(15) studies by the National Oceanic and Atmospheric Administration and the Environmental Protection Agency have identified unexpectedly high levels of contaminants in a number of coastal areas;

(16) the National Estuary Program is successfully addressing water pollution problems in high priority coastal areas and the program should be expanded and strengthened;

(17) there is a need to better identify impaired coastal waters and to expand and improve programs for the control of point and nonpoint sources of pollution to the waters;

(18) ocean discharge criteria need to be used more effectively in issuing permits for discharges to impaired coastal waters;

(19) discharges of sewage from vessels can impair coastal waters, and controls over the discharges should be improved;

(20) there is a need to expand and expedite the process of developing water quality criteria that set enforceable water quality standards for coastal waters;

(21) overflows from combined storm and sanitary sewers pose a significant threat to water quality, and the Federal Government should provide additional financial assistance to communities seeking to correct overflow problems;

(22) the enforcement by the Coast Guard of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), as amended by this Act, is critical to the implementation of such Act;

(23) the Animal and Plant Health Inspection Service of the Department of Agriculture (referred to in this section as "APHIS") has regular contact with vessels that are subject to the requirements of such Act;

(24) minor changes in procedures under such Act, and improved coordination between APHIS and the Coast Guard, would provide information to the Coast Guard that

would facilitate the enforcement of requirements relating to dumping of certain wastes under such Act;

(25) the underutilization of adequate waste reception facilities at ports and terminals worldwide is largely a result of—

(A) inconsistent fee structures at ports and terminals; and

(B) inadequate enforcement of violations of the dumping requirements referred to in paragraph (24);

(26) although each port or terminal that has received certification by the Secretary of Transportation of the adequacy of the port or terminal to accept for disposal waste that is regulated under such Act, there have been reports from officials of vessels that certain ports and terminals have refused to accept for disposal certain types of waste; and

(27) in light of the situation referred to in paragraph (26) and other reports of insufficient compliance of ports and terminals with requirements to accept waste, the enforcement of the certification of ports and terminals is inadequate.

TITLE I—BEACH TESTING AND MONITORING

SEC. 101. PURPOSE.

The purpose of this title is to require uniform procedures for beach testing and monitoring to protect public safety and improve the environmental quality of coastal recreation waters.

SEC. 102. WATER QUALITY CRITERIA AND STANDARDS.

(a) ISSUANCE OF CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following new paragraph:

"(9) COASTAL RECREATION WATERS.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, the Administrator shall, after consulting with the heads of appropriate Federal agencies, departments and agencies of States, and other interested persons, issue (and review and revise from time to time thereafter) water quality criteria for pathogens in coastal recreation waters. The criteria shall—

"(i) be based on the best available scientific information;

"(ii) be sufficient to protect public health and safety in the case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activity; and

"(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

"(B) COASTAL RECREATION WATERS DEFINED.—As used in this paragraph, the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.".

(b) STANDARDS.—

(1) ADOPTION OF STANDARDS BY STATES.—

(A) IN GENERAL.—Each State shall adopt water quality standards for coastal recreation waters that, at a minimum, are consistent with the criteria published by the Administrator under paragraph (9) of section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) (as added by subsection (a)) not later than 3 years after the date of the publication of the criteria.

(B) DEVELOPMENT OF STANDARDS.—The water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(C) STATE PROGRAMS.—The State shall incorporate the standards into all appropriate programs with respect to which the State incorporates water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(2) FAILURE OF STATES TO ADOPT STANDARDS.—

(A) IN GENERAL.—If a State does not meet the requirements of paragraph (1) by the date that is 3 years after the date of publication of the criteria under paragraph (9) of section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) (as added by subsection (a)), the Administrator shall issue water quality standards for coastal recreation waters for the State pursuant to the applicable provisions of section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(B) WATER QUALITY STANDARDS.—The water quality standards issued pursuant to subparagraph (A) for coastal recreation waters shall be consistent with the criteria published by the Administrator under paragraph (9) of section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)).

(C) APPLICATION OF STANDARDS.—The State shall apply the standards issued pursuant to subparagraph (A) in carrying out all programs referred to in paragraph (1)(C).

SEC. 103. COASTAL BEACH WATER QUALITY MONITORING.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following new section:

"SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

"(a) IN GENERAL.—Not later than 270 days after the date of the issuance of water quality criteria for pathogens in coastal recreation waters under section 304(a)(9), the Administrator shall issue regulations specifying methods to be used by States to monitor coastal recreation waters for compliance with applicable water quality standards for the waters and protection of the public safety during periods of use by the public. The monitoring requirements established pursuant to this subsection shall, at a minimum, specify—

"(1) the frequency of monitoring based on the periods of recreational use of the waters;

"(2) the frequency of monitoring based on the extent and degree of use during the periods;

"(3) the frequency of monitoring based on the proximity of the waters to pollution sources;

"(4) methods for detecting short-term increases in pathogens in the waters; and

"(5) the conditions and procedures under which the Administrator may exempt discrete areas of the waters from the monitoring requirements of this subsection, if the Administrator determines that the exemption will not impair—

"(A) compliance with the applicable water quality standards for the waters; and

"(B) the protection of the public safety.

"(b) NOTIFICATION REQUIREMENTS.—The regulations issued pursuant to subsection (a) shall require each State to notify the appropriate officials of local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Each notification shall include, at a minimum—

"(1) prompt communication of the occurrence, nature, and extent of the violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the violation is identified; and

"(2) the posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for the waters and the potential risks associated with body contact recreation in the waters.

"(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—As soon as practicable after the date of enactment of this section, the Administrator shall—

"(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

"(2) specify the conditions under which the presence of floatable materials constitutes a threat to public health and safety.

"(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for the monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

"(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and periodically revise the regulations issued pursuant to this section.

"(f) DEFINITIONS.—As used in this section:

"(1) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

"(2) FLOATABLE MATERIALS.—The term 'floatable materials' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.".

SEC. 104. STUDY TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct an ongoing study to provide additional information to the then current base of knowledge for use in developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses that are harmful to human health.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, and periodically thereafter, the Administrator shall submit to Congress a report describing the findings of the study under this section. The report shall include—

(1) recommendations concerning the need for additional numerical limits or conditions and other actions to improve the quality of coastal recreation waters;

(2) a description of the amounts and types of floatable materials in coastal waters and on coastal beaches and of recent trends in the amounts and types of the floatable materials; and

(3) an evaluation of State efforts to carry out this title and amendments made by this title.

SEC. 105. GRANTS TO STATES.

(a) IN GENERAL.—The Administrator may make a grant to a State to assist the State in meeting the requirements of sections 102 and 103 and the amendments made by such sections.

(b) COST SHARING.—The total amount of grants awarded to a State under this section for a fiscal year shall not exceed 50 percent of the cost to the State of carrying out the requirements of sections 102 and 103 and the amendments made by such sections.

SEC. 106. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COASTAL RECREATION WATERS.—The term "coastal recreation waters" means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

(3) FLOATABLE MATERIALS.—The term "floatable materials" means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Environmental Protection Agency—

(1) to carry out section 105, an amount not to exceed $3,000,000 for each of fiscal years 1994 and 1995; and

(2) to carry out sections 102 through 104 and the amendments made by such sections, an amount not to exceed $1,000,000 for each of fiscal years 1994 and 1995.

TITLE II—COASTAL PROTECTION

SEC. 201. REFERENCES TO THE FEDERAL WATER POLLUTION CONTROL ACT.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except to the extent otherwise specifically provided.

SEC. 202. POLICY.

It is the policy of the United States to restore, maintain, and protect the integrity of the marine environment to ensure that the ecological, commercial, and recreational values of these resources are not impaired by pollution.

SEC. 203. COASTAL ENVIRONMENT TOXICS RELEASE ASSESSMENT.

Title III (33 U.S.C. 1311 et seq.) is amended by adding at the end the following new section:

"SEC. 321. COASTAL ENVIRONMENT TOXICS RELEASE STRATEGY.

"(a) COASTAL ENVIRONMENT TOXICS RELEASE STRATEGY.—Not later than 1 year after the date of enactment of this section, the Administrator shall prepare and submit to Congress a coastal environment toxics release strategy (referred to in this section as the 'strategy'). The strategy shall include a plan developed by the Administrator for using the information from toxic chemical release forms and reports prepared pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) to improve programs of the Environmental Protection Agency concerning the coastal environment.

"(b) ASSESSMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Administrator shall prepare an assessment of the extent and environmental effect of discharges by industrial categories that discharge into marine waters, or to publicly owned treatment works that discharge into marine waters (or both), and that are required to report the discharges pursuant to the requirements for reporting releases of toxic chemicals under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"(2) IDENTIFICATION OF CATEGORIES AND AREAS.—The assessment shall identify the relative contribution of pollutants from industrial categories and the geographical areas that receive the greatest quantities of the discharges.

"(3) INCLUSION IN REPORTS.—The assessment prepared under this subsection may be included in a report published pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"(c) USE OF INFORMATION.—The Administrator shall use information in the assessment prepared under subsection (b) to—

"(1) verify information included in permits issued by the Administrator or by a State authorized to issue permits under section 402;

"(2) improve programs for the control of toxic pollutants;

"(3) identify other water quality programs (including programs established pursuant to sections 301, 303, 304, 306, and 307) and adopt measures to ensure that data concerning the discharge of toxic pollutants is incorporated into the programs;

"(4) identify pollutants for which water quality criteria have not been published; and

"(5) target compliance and enforcement actions.".

SEC. 204. NATIONAL ESTUARY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) (33 U.S.C. 1330(i)) is amended—

(1) by striking ", and 1991" and inserting "1991, 1992, and 1993 and $25,000,000 for each of fiscal years 1994 through 2000"; and

(2) by striking the last sentence.

(b) PRIORITY MARINE WATERS.—Section 320(a)(2)(A) (33 U.S.C. 1330(a)(2)(A)) is amended by adding at the end the following new sentence: "Beginning on the date that is 1 year after the date of enactment of this sentence, the Administrator may not convene a management conference pursuant to this section for any estuary that is not listed as a priority marine water under section 304(n).".

(c) FINANCIAL PLAN.—Section 320(b)(5) (33 U.S.C. 1330(b)(5)) is amended by inserting before the semicolon the following: ", including a detailed financial plan indicating the anticipated Federal, State, and local funds needed to implement identified corrective actions".

(d) RESEARCH.—Subsection (j) of section 320 (33 U.S.C. 1330(j)) is amended to read as follows:

"(j) RESEARCH.—

"(1) RESEARCH PROGRAM.—The Administrator shall implement a coordinated program of research and monitoring to support the assessment of each estuary for which a management conference is convened pursuant to this section.

"(2) CONTENT OF PROGRAM.—The research program implemented under this subsection shall include—

"(A) a comprehensive program of water and sediment quality monitoring to determine—

"(i) variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameters that may affect the estuary; and

"(ii) the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment to assist in the development of—

"(i) baseline studies to determine the biological conditions in the estuary and the effects of natural and anthropogenic changes; and

"(ii) predictive models that are capable of translating information concerning specific discharges or general pollutant loadings within the estuary into a set of probable effects on biological conditions in the waters of the estuary;

"(C) a program of research to identify the movements of nutrients, sediments, and pollutants through the estuary and the impact of nutrients, sediments, and pollutants on water quality and designated or potential uses of the waters of the estuary; and

"(D) a program of research to determine the water quality and habitat requirements necessary for the attainment and maintenance of designated uses and the continued viability and enhancement of living resources.

"(3) COOPERATIVE ACTIVITY.—In implementing the research program under this subsection, the Administrator shall cooperate with each affected management conference and State, and the heads of appropriate Federal agencies, including the Under Secretary and the Director of the United States Fish and Wildlife Service.".

(e) REPORT TO CONGRESS.—Section 320 (33 U.S.C. 1330) is amended—

(1) by redesignating subsection (k) as subsection (*l*); and

(2) by inserting after subsection (j) the following new subsection:

"(k) REPORTS.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, and biennially thereafter, the Administrator shall submit to Congress a comprehensive report concerning the activities authorized under this section. The report shall include—

"(A) a list of estuaries considered for action pursuant to this section;

"(B) a list and description of the estuaries considered and selected for management conferences pursuant to this section;

"(C) an evaluation of the research, monitoring, and pollution abatement measures implemented pursuant to this section;

"(D) an assessment and description of each management conference in progress at the time of submission of the report; and

"(E) a report on the implementation of conservation and management plans for the estuaries.

"(2) PRIORITY MARINE WATERS.—The Administrator shall include in each report prepared under this subsection—

"(A) a list of the waters listed as priority marine waters under section 304(n);

"(B) a description of the measures taken to restore the quality of the waters; and

"(C) recommendations concerning additional protective measures for priority marine waters.".

(f) GRANTS.—Section 320(g) (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following new paragraphs:

"(2) PURPOSES.—A grant awarded under this section may be used to—

"(A) support an initial 5-year management conference and the development of a conservation and management plan under this section; and

"(B) maintain the operation of the management conference after receiving approval by the Administrator of a conservation and management plan pursuant to subsection (f), and oversee the implementation of the conservation and management plan.

"(3) DEVELOPMENT OF CONSERVATION AND MANAGEMENT PLANS.—

"(A) IN GENERAL.—The Federal share of a grant awarded under paragraph (2)(A) for a fiscal year shall be—

"(i) in an amount not to exceed 75 percent of the annual cost of the management conference referred to in paragraph (2)(A); and

"(ii) awarded on the condition that the non-Federal share of the cost of the management conference shall be paid from non-Federal sources.

"(B) DURATION.—A person referred to in paragraph (1) (including a State, interstate, or regional agency or entity) may be awarded a grant under paragraph (2)(A) for a period of not to exceed 5 fiscal years.

"(4) GRANTS TO MAINTAIN OPERATION OF MANAGEMENT CONFERENCE.—

"(A) PROHIBITION.—If, in the judgment of the Administrator, a person referred to in paragraph (1) (including a State, interstate, or regional agency or entity) has—

"(i) not received approval by the Administrator for a conservation and management plan pursuant to subsection (f); or

"(ii) failed substantially to implement a conservation and management plan that has been approved pursuant to subsection (f),

the Administrator may not award a grant to the person under paragraph (2)(B).

"(B) FEDERAL SHARE.—The Federal share of a grant awarded under paragraph (2)(B) for a fiscal year shall be—

"(i) in an amount not to exceed 50 percent of the annual costs of the management conference; and

"(ii) awarded on the condition that the non-Federal share of the cost of the management conference shall be paid from non-Federal sources.

"(C) LIMITATION.—The amount of a grant awarded under paragraph (2)(B) for any fiscal year may not exceed an amount equal to 30 percent of the average annual amount of any grants received by the person under paragraph (2)(A).

"(5) REPORT TO THE ADMINISTRATOR.—Each person who receives a grant under this subsection shall be required, as a condition of receiving the grant, to submit a report to the Administrator, not later than 18 months after receipt of the grant award, describing the progress of the grant recipient in carrying out the purposes of the grant.".

SEC. 205. PRIORITY MARINE WATERS.

Section 304 (33 U.S.C. 1314) is amended by adding at the end the following new subsection:

"(n) PRIORITY MARINE WATERS.—

"(1) IN GENERAL.—The Administrator shall, not later than 1 year after the date of enactment of this subsection, and biennially thereafter, identify and list, pursuant to this subsection, each marine water that—

"(A) does not support the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allow for recreational activities in and on the water; or

"(B) in the judgment of the Administrator, is not likely to have the capability of ensuring the future protection of a balanced, indigenous population of shellfish, fish, and wildlife and allow for recreational activities in and on the water.

"(2) SELECTION.—In selecting a marine water pursuant to paragraph (1), the Administrator shall consider—

"(A) water quality impairment, including information provided in the national toxic chemical inventory established pursuant to section 313(j) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(j));

"(B) the presence of toxic or other contaminants in sediment and the potential for migration of the contamination to water or aquatic organisms;

"(C) the condition of aquatic life and related habitat, including the presence of threatened or endangered species;

"(D) the likely effect of contaminants on human health, aquatic life, and related habitat, recreational and commercial opportunities, and marine ecological values;

"(E) the presence of floatables in the area that adversely affect commercial and recreational opportunities; and

"(F) anticipated total increases in pollution loadings and floatables in the area.

"(3) PUBLIC REVIEW.—In listing a marine water under paragraph (1), the Administrator shall—

"(A) provide for public review and comment; and

"(B) consult with appropriate officials of States and the Under Secretary throughout the listing process.

"(4) DUTIES OF THE ADMINISTRATOR AND STATES.—

"(A) IN GENERAL.—The Administrator (or a State authorized to issue permits under section 402) shall, with respect to waters that have been listed under this subsection—

"(i) implement the requirements of section 403 when issuing or reissuing a permit for point source discharges to the waters; and

"(ii) notwithstanding any exemption established pursuant to section 402(p), not later than 1 year after the listing of a water under this subsection, issue permits for industrial and municipal discharges of stormwater to the water in a manner consistent with section 402(p).

"(B) DUTIES OF THE ADMINISTRATOR.—The Administrator shall, with respect to each water that has been listed under this subsection—

"(i) not later than 180 days after listing the water under this subsection, consider prohibiting the use of the water as a disposal site or restricting the use of any water designated pursuant to this section as a disposal site;

"(ii) not later than 180 days after the listing, prohibit the discharge of sewage from vessels pursuant to section 312(f)(4);

"(iii) in the case of a State that does not have an assessment or management program that has been approved by the Administrator under subsection (a) or (b) of section 319, conduct an assessment and develop and implement a management program for the watershed area of the listed water; and

"(iv) require that each publicly owned treatment works that discharges to the listed water and that serves 1 (or more) significant industrial user, as defined by the Administrator, to develop and enforce, without regard to the volume of the discharges of or the population served by the treatment works, a program for the pretreatment of industrial wastes pursuant to section 307 as expeditiously as practicable.

"(C) DUTIES OF THE STATE.—Each State shall review water quality standards applicable to waters listed under this subsection, and, not later that 3 years after the listing, designate uses and adopt standards for any pollutant for which the Administrator has established criteria pursuant to section 304 if the pollutant is present, or is reasonably likely to be present, in the waters.

"(5) RESCISSION OF LISTING.—The Administrator may, after consultation with appropriate State officials, and after providing for public review and comment, rescind the listing of a marine water under this subsection if the Administrator determines that—

"(A) the environmental quality of the water has been restored;

"(B) water quality standards adopted pursuant to section 303 are attained and will be maintained; and

"(C) the water will ensure the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife and will provide for recreational activities in and on the water on a continuing basis.".

SEC. 206. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

Title V (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following new section:

"SEC. 519. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Administrator shall establish a national program to provide information, education, and technical assistance to owners of marine land.

"(b) IDENTIFICATION.—Any owner of marine land may submit to the Administrator an application for participation in the education program established under this section. Each application submitted under this subsection shall contain basic information, including—

"(1) the location and size of the marine land;

"(2) the physical characteristics of the marine land;

"(3) known wildlife habitat or other significant natural features or characteristics of the marine land; and

"(4) proof of ownership of the marine land.

"(c) INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—The Administrator shall establish and carry out an information and education program to provide owners of marine land with informational and educational materials concerning—

"(A) land management and related practices to prevent water pollution and protect habitat;

"(B) activities and practices to protect and foster the development of aquatic life and wildlife;

"(C) measures to preserve and protect significant natural features of land or significant natural resources;

"(D) the activities of Federal agencies, State departments and agencies, and political subdivisions of States to protect marine waters, including activities under sections 303, 319, 320, 402, and 404; and

"(E) the requirements of Federal law and the laws of States concerning land management, discharges to water, and other related activities.

"(2) REGION-SPECIFIC INFORMATION.—The Administrator may, as appropriate, adjust the information required pursuant to this subsection to apply to land within a specific region of the United States or a specific State.

"(d) STATE PARTICIPATION.—At the request of a Governor of a State, the Administrator may delegate the operation of an information and education program that meets the requirements of subsection (c) to a State. The cost associated with activities carried out by the State pursuant to this section shall be eligible for funding under section 106.

"(e) MARINE LAND DEFINED.—As used in this section, the term 'marine land' means real property that borders on a marine water.".

SEC. 207. MARINE SANITATION DEVICES.

(a) PROHIBITION OF DISCHARGE TO DESIGNATED WATERS.—

(1) IN GENERAL.—Section 312(f)(3) (33 U.S.C. 1322(f)(3)) is amended—

(A) by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) by adding at the end the following new sentence: "The State and the Secretary of the Department in which the Coast Guard is operating shall enforce this paragraph.".

(2) SEWAGE.—Paragraph (4)(A) of section 312(f) (33 U.S.C. 1322(f)(4)(A)) is amended to read as follows:

"(4)(A) In the case of a water listed under section 304(n), not later than 18 months after the listing, the Administrator shall, by regulation, completely prohibit the discharge of sewage (whether treated or untreated) from a vessel into the listed water.".

(3) UNLAWFUL ACTS.—Section 312(h) (33 U.S.C. 1322(h)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

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

"(5) for any person to discharge sewage (whether treated or untreated) into a water designated pursuant to subsection (f)(4); and

"(6) for any person to discharge sewage that has not been treated by a marine sanitation device required under this section.".

(4) CONFORMING AMENDMENT.—Section 301(a) (33 U.S.C. 1311(a)) is amended by inserting "312," after "307,".

(b) CIVIL PENALTIES.—Subsection (j) of section 312 (33 U.S.C. 1322(j)) is amended to read as follows:

"(j)(1) Any person who violates subsection (g) or (h) shall be liable for a civil penalty in an amount not to exceed $5,000 for each violation. Each violation shall constitute a separate offense.

"(2) No penalty shall be assessed under this subsection until the person charged has received notice of the violation and has had an opportunity for a hearing on the charge.

"(3) The following shall be considered in a determination of the amount of a penalty under this subsection:

"(A) The gravity of the violation.

"(B) Any previous violations of the person who is subject to the penalty.

"(C) The demonstrated good faith of the person who is subject to the penalty in attempting to achieve rapid compliance after notification of the violation.".

(c) ENFORCEMENT.—Subsection (k) of section 312 (33 U.S.C. 1322(k)) is amended to read as follows:

"(k)(1) The Secretary of the department in which the Coast Guard is operating (referred to in this subsection as the 'Secretary') shall carry out the enforcement of this section. The head of another Federal agency may enter into an agreement with the Secretary to—

"(A) detail to the Secretary, with or without reimbursement, law enforcement officers or personnel to assist the Secretary in carrying out this section; and

"(B) provide facilities for use by the Secretary in carrying out this section.

"(2) All amounts collected by the Secretary or an authorized representative of the Secretary under this section shall be deposited into a special fund of the Treasury of the United States to be known as the 'Vessel Pollution Enforcement Fund'. The fund shall be available for appropriation to the Coast Guard to carry out the activities referred to in subsection (o).

"(3) Subject to the conditions described in paragraph (4), the Administrator may delegate to a State the enforcement of the prohibitions under paragraphs (4) through (6) of subsection (h).

"(4) The Secretary shall require a State that proposes to carry out the enforcement activities referred to in paragraph (3) to submit such documentation as the Secretary considers appropriate to establish that the State has established a State fund into which amounts equal to the amounts of penalties from enforcement actions carried out by the State under paragraph (3) shall be transferred for use by the State to carry out enforcement activities under paragraph (3).".

(d) MARINE SANITATION DEVICES.—

(1) TECHNOLOGY IMPROVEMENTS.—Section 312(c)(1)(A) (33 U.S.C. 1322(c)(1)(A)) is amended by adding at the end the following new sentence: "The standards and regulations referred to in this subparagraph shall be reviewed and revised to reflect improvements in technology relating to marine sanitation devices not later than 3 years after the date of enactment of this sentence, and every 7 years thereafter.".

(2) REVIEW.—Section 312(c)(2) (33 U.S.C. 1322(c)(2)) is amended by adding at the end the following new sentences: "Except for a waiver for an individual vessel, the Secretary of the department in which the Coast Guard is operating shall review each waiver of a standard or regulation under this section. If the Secretary considers that a revision of the waiver would be appropriate to take into account technology relating to marine sanitation devices, the Secretary shall revise the waiver.".

(3) DEADLINE.—Section 312(b)(1) (33 U.S.C. 1322(b)(1)) is amended by inserting before the period at the end the following: "not later than 2 years after the date of establishment or revision of the standards".

(e) MARINE SANITATION DEVICE PUMPOUT STATIONS.—

(1) COAST GUARD FACILITIES.—Section 312 (33 U.S.C. 1322) is amended by adding at the end the following new subsection:

"(n)(1) Beginning on the date that is 4 years after the date of enactment of this subsection, the Secretary of the department in which the Coast Guard is operating shall provide for a public use pumpout station for marine sanitation devices at each Coast Guard installation.

"(2) The Secretary of the department in which the Coast Guard is operating may, with the concurrence of the Administrator, waive the requirement under paragraph (1) if the Coast Guard installation—

"(A) is not located adjacent to navigable waters;

"(B) lacks sufficient and appropriate dock capacity; and

"(C) would be substantially prevented from conducting other essential activities.".

(2) FINANCIAL ASSISTANCE.—

(A) GENERAL AUTHORITY FOR CAPITALIZATION GRANTS TO STATES.—Section 601(a) (33 U.S.C. 1381(a)) is amended—

(i) in paragraph (2), by striking "and" at the end; and

(ii) by inserting before the period at the end the following: ", and (4) for implementing a marine sanitation pumpout station plan approved pursuant to section 5603(c) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note)".

(B) WATER POLLUTION CONTROL REVOLVING FUNDS.—The first sentence of section 603(c) (33 U.S.C. 1383(c)) is amended—

(i) in paragraph (2), by striking "and" at the end; and

(ii) by inserting before the period at the end the following: ", and (4) for implementing a marine sanitation pumpout station plan approved pursuant to section 5603(c) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note)".

(f) EDUCATION.—Section 312 (33 U.S.C. 1322), as amended by subsection (e), is further amended by adding at the end the following new subsection:

"(o) The Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator, shall implement a comprehensive program of information and education to—

"(1) encourage compliance with the requirements of this section; and

"(2) foster an increased understanding of the importance of water quality and methods of preventing water pollution.".

(g) DEFINITIONS.—Section 312(a) (33 U.S.C. 1322(a)) is amended—

(1) in paragraph (1), by inserting "applicable" after "promulgation of";

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(12) 'pumpout station' has the same meaning as is provided the term in section 5608(6) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note).".

SEC. 208. MARINE WATER QUALITY CRITERIA AND STANDARDS.

(a) MARINE WATER QUALITY CRITERIA.—Section 304(a) (33 U.S.C. 1314(a)), as amended by section 102(a), is further amended—

(1) in paragraph (1), by inserting after "water quality" the following: ", including criteria for marine water quality,"; and

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

"(10)(A) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall submit to Congress a 5-year plan and schedule for the development, review, and revision of criteria for pollutants found in marine waters.

"(B) The plan shall—

"(i) ensure that criteria for the pollutants are published as expeditiously as practicable; and

"(ii) give priority to pollutants that pose the greatest threat to the marine environment.

"(C) The Administrator shall consult with the Under Secretary and the Governor of each interested State in developing the plan. In addition, the Administrator shall take into consideration—

"(i) the toxic pollutants identified in lists, submitted pursuant to subsection (l), of navigable waters for which a State does not expect the applicable standard will be met; and

"(ii) the marine environment toxics release inventory assessment prepared pursuant to section 321.

"(11)(A)(i) In the case of a pollutant for which criteria and information under subsection (a) have not been published, any person may petition the Administrator to develop and publish criteria applicable to marine waters for the pollutant pursuant to subsection (a). The Administration shall approve the petition if the pollutant poses a significant threat to the quality of marine waters, human health, or the environment.

"(ii) Not later than 180 days after receiving the petition, the Administrator shall approve or deny the petition and publish a notice in the Federal Register of the approval or denial.

"(B) If the Administrator fails to publish notice of a decision to approve or deny a petition under this paragraph, the petition shall be deemed to have been approved. If the Administrator approves a petition pursuant to this paragraph, the Administrator shall, as expeditiously as practicable, and in a manner consistent with the plan developed under this subsection, publish criteria and information for the pollutant pursuant to this section.

"(12) In the case of a pollutant for which aquatic life criteria have been published on the date of enactment of this paragraph, the

Administrator shall, not later than 3 years after the date of enactment of this paragraph, revise the criteria and publish the revisions of the criteria, if the Administrator determines the revisions to be necessary to ensure that the criteria address marine waters.

"(13) After the date of enactment of this paragraph, the Administrator shall require that any criteria and information published pursuant to this subsection shall address marine waters.".

(b) MARINE WATER QUALITY STANDARDS.—

(1) IN GENERAL.—Section 303 (33 U.S.C. 1313) is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

"(h)(1) Not later than 3 years after the date of enactment of this paragraph, each State that borders on marine waters shall establish standards for marine water quality, including designated uses for the waters and numerical criteria to protect the uses, for any pollutant for which information is published pursuant to section 304(a).

"(2) Not later than 3 years after the date of publication of criteria and information pursuant to section 304(a), each State that borders on marine waters shall establish numerical water quality standards, based on the criteria and information, that are adequate to ensure the attainment of the uses identified in paragraph (1).

"(3) If a State fails to comply with paragraph (1) or (2), the Administrator shall establish numerical water quality standards not later than 1 year after the date on which the State was to establish the standards.

"(4) The Administrator shall promulgate water quality standards for marine waters that are not under the control of any State that shall ensure the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife and provide for recreation in and on the waters.".

(2) CONFORMING AMENDMENT.—Section 302(a) (33 U.S.C. 1312(a)) is amended by inserting "or section 303(i)" after "section 304(l)".

SEC. 209. OCEAN DISCHARGE CRITERIA.

(a) CLARIFICATION OF SCOPE.—Subsection (a) of section 403 (33 U.S.C. 1343(a)) is amended to read as follows:

"(a) No permit shall be issued under section 402 for a discharge into the territorial sea, the waters of the contiguous zone, the oceans, or any water listed under section 304(n), if the Administrator finds, on the basis of assessment of the criteria established in subsections (c) and (d), that the discharge may reasonably be expected to prevent—

"(1) the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife and recreational activity in and on the water; or

"(2) the attainment of standards established pursuant to section 303.".

(b) BIOLOGICAL TESTING.—Section 403(c)(1) (33 U.S.C. 1343(c)(1)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) methods, procedures, and requirements for biological testing that shall, at a minimum, require that any reference site be substantially free of contamination.".

(c) LIMITATION OF REGULATIONS.—Section 403(c)(2) (33 U.S.C. 1343(c)(2)) is amended by adding at the end the following new sentence: "Any exemption in a regulation to the limitations of this paragraph is deemed null and void.".

(d) POLLUTION PREVENTION.—Section 403 (33 U.S.C. 1343) is amended by adding at the end the following new subsection:

"(d)(1) In assessing the effects of a proposed discharge to marine waters, the Administrator shall take into consideration, in addition to the criteria established pursuant to subsection (c), a demonstration of the need to discharge by the permit applicant. As a condition of receiving a permit, an applicant shall be required to make full use of measures, processes, methods, systems, or techniques to completely eliminate the discharge or minimize the quantity of pollutants discharged through process changes, substitution of material, enclosure of systems, or other modifications.

"(2) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall publish a guidance that describes—

"(A) pollution prevention methods; and

"(B) the expectations of the Administrator with regard to the demonstrations required by paragraph (1).".

(e) CONFORMING AMENDMENT.—Section 301(a) (33 U.S.C. 1311(a)) is amended by inserting "403," before "and 404.".

SEC. 210. COMBINED SEWER OVERFLOW CONTROL ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Army (referred to in this section as the "Secretary"), acting through the Chief of Engineers of the Department of the Army, is authorized to enter into local cooperation agreements to provide financial assistance to a local government for the construction of facilities for the control of overflows from combined storm and sanitary sewers to marine waters.

(b) PROJECT IDENTIFICATION.—

(1) APPLICATION.—Any municipality with a plan for the control of combined sewer overflows to marine waters that has been approved by the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") as consistent with requirements of the combined sewer overflow policy published by the Administrator at 58 Fed. Reg. 4994, on January 19, 1993, may submit to the Secretary an application for assistance under this section.

(2) REVIEW OF APPLICATION.—The Secretary shall, with the cooperation and concurrence of the Administrator, review the applications submitted pursuant to paragraph (1) and rank the applications. In ranking the applications, the Secretary shall give equal weight to—

(A) the potential for the project to protect public health and the environment; and

(B) the financial burden on a community as a result of the high costs of the project or the lack of alternative local, State, or Federal funding sources.

(3) PRIORITY.—Notwithstanding paragraph (2), the Secretary shall give priority to any application made pursuant to paragraph (1) that would implement the recommendations of a comprehensive conservation and management plan approved by the Administrator pursuant to section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) PROJECT ASSISTANCE.—

(1) NON-FEDERAL SHARE.—Except as provided in paragraph (3), the non-Federal sponsor of a project that receives assistance under this subsection shall provide a non-Federal share in an amount equal to not less than 25 percent of the costs of the project.

(2) CREDIT FOR CERTAIN NONMONETARY CONTRIBUTIONS.—An amount equal to the value of any land, easement, right-of-way, or reallocation provided for the project by a non-Federal sponsor shall be credited to the non-Federal share referred to in paragraph (1), except that any amount credited pursuant to this paragraph may not exceed 25 percent of the costs of the project.

(3) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the operation and maintenance costs of a project assisted pursuant to this section shall be 100 percent.

(d) PLANNING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not enter into a local cooperation agreement under this section unless the Secretary, in consultation with the Administrator, has determined that the project—

(A) is consistent with plans developed pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(B) will not result in the violation of any provision of such Act.

(2) REVIEW.—The Secretary, in cooperation with the Administrator, shall review each application submitted pursuant to subsection (b) to determine whether the project that is the subject of the application will achieve such controls of combined sewer overflows as are required under applicable requirements of law at the lowest possible cost. The Secretary may not enter into a local cooperation agreement under this section unless the Secretary has determined pursuant to this paragraph that the cost of the project that is the subject of the agreement is the lowest possible cost.

(e) DISCRETION OF GOVERNOR FOR LOAN.—

(1) IN GENERAL.—Not fewer than 90 days before the finalization of a local cooperation agreement pursuant to this section, the Secretary shall notify the Governor of the State in which a local government expected to receive assistance pursuant to this section is located.

(2) REQUEST BY GOVERNOR.—Not later than 30 days after receipt of a notification pursuant to paragraph (1), a Governor may request that the Secretary provide, pursuant to this section, a loan to the local government that is the subject of the notification, and, after receiving the request, the Secretary shall provide assistance under this section as a loan.

(3) REPAYMENTS.—The repayment of a loan made pursuant to paragraph (2) shall be made in a manner consistent with title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), and amounts equal to the amounts of repayments shall be deposited into the revolving fund established by the State pursuant to such title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended, for each of fiscal years 1994 through 2000, such sums as may be necessary.

SEC. 211. DEFINITIONS.

(a) NEW DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(21) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(22) The terms 'estuarine zone' and 'estuary' have the meaning provided the terms in section 104(n)(4), except that the terms shall also include associated aquatic ecosystems and the tributaries that drain into the estuary up to the historic head of tidal influence.

"(23) The term 'Federal agency' means any department, agency, or other instrumentality of the Federal Government and any independent agency or establishment of the Federal Government, including any government corporation of the Federal Government.

"(24) The term 'floatable' means marine debris that floats or remains suspended in the water column.

"(25) The term 'marine water' means any estuary, water of the estuarine zone, any other water seaward of the historic height of tidal influence, the territorial sea, the contiguous zone, and the ocean.

"(26) The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere who serves as the Administrator of the National Oceanic and Atmospheric Administration.".

(b) EXISTING DEFINITIONS.—

(1) TERRITORIAL SEAS.—Section 502(8) (33 U.S.C. 1362(8)) is amended by striking "three" and inserting "12".

(2) ESTUARY AND ESTUARINE ZONE.—Section 320 (33 U.S.C. 1330), as amended by section 204(e)(1), is further amended by striking subsection (*l*).

SEC. 212. FEDERAL AGENCY RESPONSIBILITIES.

Title V (33 U.S.C. 1361 et seq.), as amended by section 206(b), is further amended—

(1) by redesignating section 520 as section 521; and

(2) by inserting after section 519 the following new section:

"SEC. 520. FEDERAL AGENCY RESPONSIBILITIES.

"(a) STUDY OF FEDERAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—The Administrator, in consultation with the Under Secretary, shall, with respect to each Federal agency, conduct a comprehensive study of the policies, programs, and activities that may result in degradation of marine waters.

"(2) REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that includes—

"(i) a summary of the findings of the study referred to in paragraph (1); and

"(ii) recommendations to reduce degradation of marine waters resulting from policies, programs, and activities of Federal agencies.

"(B) CONTENTS OF REPORT.—The report shall include—

"(i) a comprehensive listing, with respect to each Federal agency, of the policies, programs, and activities that, under the study, are considered to cause degradation of marine waters;

"(ii) a detailed analysis of the impacts of each policy, program, and activity referred to in clause (i) on the degradation of marine waters;

"(iii) proposed changes in each policy, program, and activity referred to in clause (i) to minimize the impacts referred to in clause (ii);

"(iv) suggested actions to be taken by other Federal agencies or State departments or agencies to better coordinate the policies, programs, and activities that cause degradation of marine waters; and

"(v) specific recommendations for further legislative actions that the Administrator considers to be necessary to bring each policy, program, and activity referred to in clause (i) into conformance with the policy of this Act.

"(3) PUBLIC COMMENT.—In conducting the study, the Administrator shall consult with States and the public concerning methods by which the policies, programs, and activities of Federal agencies may be implemented to reduce degradation in marine waters.

"(b) LEADERSHIP OF FEDERAL AGENCIES.—The head of each Federal agency shall provide leadership and take action to the extent provided by law to—

"(1) minimize the degradation of marine waters; and

"(2) restore and preserve the natural and beneficial values served by marine waters in carrying out the responsibilities of the Federal agency for—

"(A) acquiring, managing, and disposing of Federal lands and facilities;

"(B) providing construction and improvements undertaken by the Federal Government and providing Federal assistance (including financial assistance) for construction and improvements; and

"(C) conducting activities and programs affecting the marine waters.

"(c) RESPONSIBILITIES OF FEDERAL AGENCIES.—In carrying out the activities described in subsection (b), the head of each Federal agency shall be required to evaluate the potential effects of any action on marine waters and to ensure that the planning programs and budget requests of the Federal agency reflect the policies of this Act.

"(d) ALTERNATIVES AND MITIGATION.—If the head of a Federal agency makes a determination to, or proposes to, conduct, support, or allow an action that may affect marine waters, the head of the Federal agency shall consider alternative actions to avoid adverse effects on marine waters. If the head of the Federal agency finds that there is no practicable alternative that is consistent with the law, the head of the Federal agency shall modify the action, to the extent consistent with law, to minimize potential adverse effects on marine waters.".

SEC. 213. REPORTS AND STUDIES.

(a) HEALTH IMPACTS STUDY.—

(1) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce (referred to in this section as the "Under Secretary"), in collaboration with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") and the Secretary of Health and Human Services, shall conduct a study to determine the nature of any relationship between the incidence of human illness and—

(A) pollutants in the marine environment; and

(B) shellfish consumption.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Under Secretary shall submit a report describing the findings of the study to the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries of the House of Representatives.

(b) ECONOMIC IMPACT STUDY.—Not later than 1 year after the date of enactment of this Act, the Under Secretary, in consultation with the Administrator, the appropriate officials of State and local governments, commercial and recreational fisherman, and other interested persons, shall submit to Congress a study that identifies, evaluates, and quantifies the economic impacts of degradation in the quality of marine waters (including degradation attributable to floatables (as defined in section 502(25) of the Federal Water Pollution Control Act, as added by section 211(a))).

(c) ALGAL BLOOM STUDY.—

(1) IN GENERAL.—The Under Secretary shall conduct a study of the impact that enhanced nitrogen levels in marine waters may have on stimulating toxic algal blooms.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress on the findings of the study.

(d) RESEARCH OF MICROORGANISMS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report on the potential use of microorganisms to degrade pollutants (including organic material and chemical pollutants) in municipal or industrial wastes before and after disposal in the marine environment.

(e) IDENTIFICATION OF UNREGULATED CONTAMINANTS.—

(1) IN GENERAL.—The Administrator shall conduct such research and monitoring as the Administrator determines to be necessary to identify unregulated pollutants in marine waters that are not addressed in a guideline, criteria, standard, or requirement developed pursuant to title III of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) identifies unregulated pollutants in marine waters; and

(B) provides a plan that includes specific actions and recommendations for establishing controls over the pollutants through the pollution control authorities of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

TITLE III—POLLUTION FROM SHIPS

SEC. 301. DEFINITION OF OPERATOR.

(a) IN GENERAL.—Subparagraph (b) of section 2(a)(5) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(5)(B)) is amended by striking "except the owner" and all that follows through the end of the subparagraph and inserting the following: "who by law, lease, contract, or other arrangement, provides a berth at a port or terminal or other mooring arrangement for the vessel to transfer cargo to or from shore;".

(b) TECHNICAL AMENDMENTS.—Section 6 of such Act (33 U.S.C. 1905) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "a person in charge" and inserting "an operator"; and

(B) in paragraph (2), by striking "Persons in charge" and inserting "Operators"; and

(2) in subsection (c)(2), by striking "person in charge" and inserting "operator".

SEC. 302. PREVENTION OF POLLUTION FROM SHIPS.

(a) IN GENERAL.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) If" and inserting the following: "(2)(A) Subject to subparagraph (B), if"; and

(ii) by adding at the end the following new subparagraph:

"(B) The Secretary may issue a certificate attesting to the adequacy of reception facilities under this paragraph only if, prior to the issuance of the certificate, the Secretary conducts an onsite inspection of the reception facilities of the port or terminal that is the subject of the certificate."; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity

other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and";

(2) by striking subsection (d) and inserting the following new subsection:

"(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.";

(3) in subsection (e)—

(A) in paragraph (1), by striking "Except in the case" and inserting "Except as provided in paragraph (3) and in the case";

(B) in paragraph (2), by striking "The Secretary" and inserting "Except as provided in paragraph (3), the Secretary"; and

(C) by adding at the end the following new paragraph:

"(3)(A) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall, by regulation, establish a procedure by which the Secretary of the department in which the Coast Guard is operating may assess a civil penalty against the operator of the port or terminal in lieu of denying entry to a ship, or to a terminal or facility pursuant to paragraph (1) or (2).

"(B) The amount of a penalty referred to in subparagraph (A) shall not exceed the maximum amount allowable per day of violation that the Secretary of the department in which the Coast Guard is operating may assess under this Act.

"(C) If the port or terminal remains in violation of an applicable requirement of a regulation referred to in paragraph (1) or (2) on the date that is 30 days after the date on which the Secretary initially determines that a port or terminal is in violation of an applicable requirement of a regulation, the Secretary shall revoke the certificate of the port or terminal.";

(4) in subsection (f)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by adding at the end the following new paragraph:

"(2)(A) Not later than 1 year after the date of enactment of this paragraph, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.

"(B) The Secretary shall promulgate regulations to carry out this section, including specifications for the placards referred to in subparagraph (A).

"(C) The Secretary shall make available to the general public any report received by the Secretary under this paragraph."; and

(5) by adding at the end the following new subsection:

"(g) The Secretary shall—

"(1) establish a program to ensure that the owner, operator, or person in charge of each port or terminal that is not required to apply for a certificate under this section makes available a reception facility that meets the requirements for reception facilities under the regulations promulgated under subsection (a)(2); and

"(2) not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, provide a report to Congress on Coast Guard activities regarding the ports and terminals described in paragraph (1).".

(b) REFUSE RECORD BOOKS; WASTE MANAGEMENT PLANS; NOTIFICATION OF CREW AND PASSENGERS.—Section 4(b) of such Act (33 U.S.C. 1903(b)) is amended—

(1) in paragraph (2), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) not later than 1 year after the date of enactment of the Coastal Waters Improvement Act of 1993, issue regulations that require each vessel to—

"(i) maintain refuse records (either as part of the log book of the vessel or in a separate record book);

"(ii) establish shipboard waste management plans; and

"(iii) display a placard and conduct a briefing that notifies the crew and passengers of the vessel of the requirements of Annex V of the Convention."; and

(2) by adding at the end the following new paragraph:

"(3)(A) The Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall assist the Secretary in carrying out the enforcement of this Act.

"(B) The Secretary of Agriculture, in coordination with the Secretary, shall review and revise boarding procedures of the Animal and Plant Health Inspection Service to improve the enforcement of this Act.

"(C) The review and revision of the boarding procedures referred to in subparagraph (B) shall include—

"(i) a revision of any boarding forms used by the Secretary (including adding questions) to provide information in sufficient detail to enable the Secretary to adequately enforce this Act;

"(ii) the coordination of efforts of inspectors of the Animal and Plant Health Inspection Service to facilitate the tracking of vessels suspected to be in violation of this Act from port to port;

"(iii) the coordination of the inspection activities of the Animal and Plant Health Inspection Service with the animal and plant inspection activities of the Coast Guard, to ensure that any violation of this Act may be easily determined, and that an appropriate penalty is assessed for the violation; and

"(iv) methods for using inspectors of the Animal and Plant Health Inspection Service to determine compliance with the regulations promulgated under section 6(a)(2).".

(c) SIZE AND USE.—Section 3(a) of such Act (33 U.S.C. 1902(a)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) with respect to subparagraph (A) of subsection (a) of section 4—

"(A) to—

"(i) manned oceangoing United States ships of 40 feet or more in length that are engaged in commerce and are documented under the laws of the United States or numbered by a State; and

"(ii) a manned fixed or floating platform subject to the jurisdiction of the United States, or operated under the authority of the United States, wherever located; and

"(B) to any other ship, of a size and use specified by the Secretary, while in navigable waters of the United States, except while transiting in innocent passage and not enroute to a place in the United States or a territory, possession, or protectorate of the United States.".

(d) PENALTIES FOR VIOLATIONS.—Section 9 of such Act (33 U.S.C. 1908) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) If an appropriate official of the Coast Guard determines that a vessel does not comply with a requirement established under section 4 relating to the maintenance of refuse records, the posting of a placard, the briefing of a crew and passengers, or the implementation of a waste management plan, the official may issue a citation for the violation that requires a civil penalty, in an amount determined pursuant to this section, to be payable not later than 30 days after the issuance of the citation, unless by such date, the recipient of the citation submits a written request for a hearing on the assessment of the civil penalty pursuant to the citation.

"(2) A citation for a violation that requires a civil penalty may be issued by the appropriate Coast Guard official if, on the inspection of a vessel, an appropriate official of the Coast Guard determines that—

"(A) the person in charge of the vessel has no receipts documenting—

"(i) the disposal of garbage; or

"(ii) in any case in which an incinerator is on board the vessel, receipts documenting the disposal of plastic residue, if any, from the incinerator;

"(B) there is no incinerator on board the vessel; or

"(C) the quantity of plastic waste materials on board the vessel is too small with respect to the quantity of plastic waste materials estimated to have been generated on board the vessel (on the basis of documentation from the last legal disposal of plastic waste materials from the vessel).

"(3) Not later than 30 days after the issuance of a citation pursuant to paragraph (2), the recipient of the citation shall either—

"(A) pay the amount of the civil penalty; or

"(B) submit a written request for a hearing on the assessment of the civil penalty.

"(4) The Secretary shall consult with the Secretary of Agriculture to ensure that the record in a log book of the disposal of waste materials alone may not, for the purposes of this subsection, constitute proof of legal disposal of waste materials."; and

(3) in subsection (g), as redesignated by paragraph (1)—

(A) by inserting "(1)" before "Notwithstanding";

(B) in paragraph (1), as designated by subparagraph (A), by striking "or (d)" and inserting "or (e)"; and

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

"(2) If the Secretary of the department in which the Coast Guard is operating—

"(A) conducts an investigation and refers a matter pursuant to paragraph (2), to the appropriate official of a foreign country that is a party to the MARPOL Protocol relating to

a violation or suspected violation of an owner, operator, or person in charge of a vessel that is registered in the foreign country of a requirement of the MARPOL Protocol; and

"(B) the official of the foreign country does not provide a response that the Secretary determines appropriate,

paragraph (3) shall apply.

"(3) If the conditions referred to in subparagraphs (A) and (B) of paragraph (2) are met, the Secretary of the Treasury, on the request of the Secretary of the department in which the Coast Guard is operating, may with respect to the vessel referred to in paragraph (2) refuse or revoke—

"(A) the clearance required under section 4197 of the Revised Statutes (46 U.S.C. App. 91);

"(B) a permit to proceed under section 4367 of the Revised Statutes (46 U.S.C. App. 313); and

"(C) a permit to depart (as required under section 443 of the Tariff Act of 1930 (19 U.S.C. 1443)),

whichever is applicable.

"(4) The Secretary of the department in which the Coast Guard is operating shall, not later than 1 year after the date of enactment of this paragraph, and annually thereafter, publish a list of any referral described in paragraph (2) including, with respect to each referral—

"(A) the date of transmittal; and

"(B) the date and nature of any response by the appropriate official of the foreign country to whom the referral is sent.".

(e) SHIP INSPECTIONS; REPORTS TO SECRETARY.—Section 8(c) of such Act (33 U.S.C. 1907(c)) is amended by adding at the end the following new paragraphs:

"(3)(A) The Secretary shall make available to the public a toll-free telephone number for reporting violations of the MARPOL Protocol and this Act.

"(B) In carrying out this paragraph, the Secretary may—

"(i) enter into a cooperative agreement with the appropriate official of the National Response Center to use the telephone reporting service of the Center to provide for the reporting of the violations referred to in the previous sentence under the telephone reporting service; or

"(ii) establish a separate telephone reporting system.

"(C) The Secretary shall report to Congress annually on the effectiveness of the toll-free telephone reporting system. Each report shall include—

"(i) the number and types of referral calls related to Annex V of the MARPOL Protocol received; and

"(ii) information regarding any investigations conducted and enforcement actions taken in response to a call described in clause (i).

"(4) On receipt of a report from an appropriate official of the Animal and Plant Health Inspection Service of the Department of Agriculture of a vessel in violation of this Act, the Secretary shall take such action as is necessary to ensure a followup inspection of the vessel.".

(f) CONFORMING AMENDMENT.—Section 11(a)(3) of such Act (33 U.S.C. 1910(a)(3)) is amended by striking "section 9(e)" and inserting "section 9(f)".

SEC. 303. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL.

(a) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended—

(1) by striking "for a period of 6 years"; and

(2) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Coastal Waters Improvement Act of 1993, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign vessel (including any commercial or recreational vessel) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

(b) PUBLIC OUTREACH PROGRAM.—Section 2204(a) of such Act (42 U.S.C. 6981 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for a period of at least 3 years,";

(B) in subparagraph (C), by striking "and" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to vessels and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).."; and

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

"(2) AUTHORIZED ACTIVITIES.—

"(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) CONSULTATION.—In developing outreach initiatives targeted at the interested groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.

"(C) GRANTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements, and provide other financial assistance to eligible recipients.".

(c) MISCELLANEOUS PROVISIONS.—

(1) IN GENERAL.—The Marine Plastic Pollution Research and Control Act of 1987 is amended by adding at the end the following new subtitle:

"Subtitle D—Miscellaneous Provisions

"SEC. 2401. APPLICABILITY OF WHISTLE BLOWER PROVISIONS.

"Section 2302 of title 5, United States Code, shall apply to any employee of the Department of Transportation, the Department of Defense, or the Department of Agriculture, as described in subsection (a)(2)(B) of such section, who carries out any requirement of this Act or the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

"SEC. 2402. REPORTS TO CONGRESS.

"If the Secretary of the department in which the Coast Guard is operating fails to meet a deadline specified in this Act or the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary shall submit a written report to Congress that explains the reasons for the failure.

"SEC. 2403. FEES.

"(a) PROHIBITION.—Notwithstanding any other provision of law, a port or terminal, or a hauler that contracts with a port or terminal, shall be prohibited from charging a vessel a separate fee for the disposal of waste that is not regulated by the Secretary of Agriculture pursuant to the authority granted to the Secretary to carry out the functions of the Animal and Plant Health Inspection Service.

"(b) CONDITION FOR CERTIFICATION.—The Secretary of the department in which the Coast Guard is operating, shall require as a condition of a certificate issued pursuant to section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that the holder of the certificate meet the requirements of subsection (a).

"SEC. 2404. SENSE OF CONGRESS REGARDING INSURANCE.

"It is the sense of Congress that—

"(1) certain insurance policies or rules of protection and indemnity clubs that provide insurance for shippers should not provide for the payment of a penalty under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.); and

"(2) the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, should consult with the International Maritime Organization to seek to establish international standards prohibiting the issuance of a contract of insurance for the sale of a policy that would provide for the payment of any penalty under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) or under a law of a foreign country that is a signatory of the MARPOL Protocol to carry out the MARPOL Protocol.

"SEC. 2405. NOTICE OF ARRIVAL.

"The owner, master, agent, or person in charge of a vessel shall include in the notice of arrival required to be submitted to the Captain of the Port of the port or place of destination pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) information concerning the intention of the owner, master, or person in charge of the vessel with respect to the disposal of onboard waste at the port or place of destination.

"SEC. 2406. COORDINATION.

"(a) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Administrator of the Environmental Protection Agency shall establish a Marine Debris Coordinating Committee (referred to in this section as the 'Committee').

"(b) MEMBERSHIP.—The Committee shall be comprised of a representative from—

"(1) the Environmental Protection Agency, who shall serve as the Chairperson of the Committee;

"(2) the National Oceanic and Atmospheric Administration;

"(3) the United States Coast Guard;

"(4) the United States Navy; and

"(5) such other Federal agencies as the Administrator of the Environmental Protection Agency determines appropriate.

"(c) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to

ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

"SEC. 2407. MONITORING.

"The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist the United States Coast Guard in assessing the effectiveness of this Act.".

(2) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 (101 Stat. 1458) is amended by adding at the end of the items relating to title II of such Act the following new items:

"Subtitle D—Miscellaneous Provisions

"Sec. 2401. Applicability of whistle blower provisions.
"Sec. 2402. Reports to Congress.
"Sec. 2403. Fees.
"Sec. 2404. Sense of Congress regarding insurance.
"Sec. 2405. Notice of arrival.
"Sec. 2406. Coordination.
"Sec. 2407. Monitoring.".●

By Ms. MOSELEY-BRAUN:

S. 1460. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Labor and Human Resources.

CHILD ABUSE PREVENTION ACT

● Ms. MOSELEY-BRAUN. Mr. President, I introduce the Child Abuse Prevention Act of 1993.

Child abuse and neglect have reached crisis proportions in the United States. In fact, child abuse is now the leading cause of death for children under 5 with over 2 million cases reported each year.

Mr. President, the Department of Health and Human Services recently documented the extent of this tragic problem in its "Child Health '92" study which found that 1,383 children died from abuse or neglect in 1991.

I was deeply troubled by a recent article in the Chicago Tribune that reported that 46 children have already died from child abuse in Illinois this year. I was particularly disturbed by the four tragic examples of child abuse this article used to illustrate the human face of this problem.

On August 4, Jeremy Arens, a 3½ month old boy, became the 37th child under the age of 15 and the 9th under the age of 1 to die from child abuse in Chicago this year after his father allegedly beat his head against furniture. Yet, it was only after Jeremy was brought into the hospital brain dead that doctors discovered that he had also suffered from two broken legs and two broken ribs for several weeks before his death.

This same article also described the torture that little Tommy Eken, Ariel Hill, and Tiffany Hughes were subjected to before being beaten to death—allegedly by relatives.

Mr. President, I ask unanimous consent that this Chicago Tribune article be included in the RECORD at the conclusion of my remarks.

Mr. President, although it is usually cases like these which catch our attention, thousands more anonymous children also suffer from child abuse and neglect in the United States every day. You may recall that a young couple from Illinois left their two children locked in their home last year while they vacationed in Mexico. This widely publicized case, now known as the "Home Alone" case, prompted the Illinois legislature to pass legislation which protects children by imposing strict, new penalties on parents who abandon or endanger their young children by leaving them unsupervised at home.

The National Association of Social Workers has found that reports of abused and neglected children have increased by approximately 150 percent between 1979 and 1991. I am introducing the Child Abuse Prevention Act in order to help the thousands of children whose abuse and neglect go unreported and untreated day after day and year after year.

This legislation would help these children by authorizing the Secretary of Education to establish a model child abuse education and prevention program which would include both curricula and training methods on child abuse education and prevention for elementary and secondary schools students.

This legislation would also authorize the Secretary of Education to fund programs like the seminars organized by the Greater Chicago Council of the National Committee to Prevent Child Abuse and the educational video—"Kids and Company"—produced by the National Center for Missing and Exploited Children which teach educators how to recognize possible cases of child abuse and neglect and how to discuss these issues with children.

In addition to the physical injuries they sustain, abused children are often left with emotional scars that often never heal. If left unreported and untreated, these scars can prevent such children from ever becoming full participants in society. In fact, it can also lead children who are abused later to become abusive parents themselves.

Mr. President, I urge all of my colleagues to help me end this tragic cycle of child abuse and neglect by supporting the Child Abuse Prevention Act.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

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

S. 1460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAMS OF CHILD ABUSE EDUCATION AND PREVENTION.

(a) GENERAL AUTHORITY.—Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4610 as section 4611; and

(2) by inserting after section 4609 the following new section:

"SEC. 4610. PROGRAMS OF CHILD ABUSE EDUCATION AND PREVENTION.

"From amounts appropriated under this part, the Secretary shall carry out programs for—

"(1) the development of curricula related to child abuse education and prevention; and

"(2) the training of personnel to teach child abuse education and prevention to elementary and secondary school children.".

(b) EFFECTIVE DATE.—The provisions of this section shall take effect on October 1, 1993.

SEC. 2. DEMONSTRATION PROGRAM OF CHILD ABUSE EDUCATION AND PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education shall establish a demonstration program for—

(1) the development of curricula related to child abuse education and prevention; and

(2) the training of personnel to teach child abuse education and prevention to elementary and secondary school children.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1993 and for each succeeding fiscal year such sums as may be necessary to carry out this section.

[From the Chicago Tribune, Sept. 8, 1993]

INFANT ABUSE HARD TO DETECT WHEN VICTIMS CAN ONLY CRY

(By Janan Hanna)

Ask any expert on child abuse or pediatric medicine about the difficulties in diagnosing infant abuse, and the first answer will be "babies don't talk."

They can't tell you about fractured bones and bruised organs, which may come to light only on an autopsy table. A baby's well-padded and pliable body helps protect it from injury, but it may also mask the sort of obvious clues that an adult's body would reveal after a severe beating. Also, babies heal quickly.

Yet when it turns out that an infant who died from abuse had previous injuries that went undetected, a sense of sickening frustration sets in.

About the only thing babies can do when they hurt is cry, and babies do that so often and for so many reasons that doctors who examine extremely irritable infants face troubling alternatives: Should they X-ray the child for signs of abuse and risk insulting innocent parents? Or should they assume the baby is not being abused and risk sending the child back to a violent home?

Increasingly, experts in the field of child abuse are saying doctors should err on the side of caution.

The high stakes in this debate are evident in the case of 3½-month-old Jeremy Arens of Arlington Heights. He couldn't tell anyone that both his legs and two ribs were fractured in a beating.

The boy just cried and cried until one day, he was beaten to death, allegedly by his father, Charles Arens, 29, police say.

His mother, Jennie Arens, 19, had been alarmed by Jeremy's recent frequent bouts of inconsolable crying, which in retrospect she attributes to the leg and rib fractures that were discovered too late. But she thought the baby had colic or was reacting to a recent immunization shot.

When she brought the baby into a suburban clinic, explaining that her baby could not be consoled, doctors, too, speculated that the baby was reacting to the shot, or had colic and an ear infection.

Only when Jeremy was brought to a hospital brain dead on Aug. 1, his head swollen and bruised, were the previous injuries discovered. Police say Charles Arens shook Jeremy for about 30 seconds, causing his head to bang against a piece of wooden furniture in the family's Arlington Heights apartment.

The old fractures were at least two weeks old and were inflicted by force, doctors who treated Jeremy said. Police say Charles Arens admitted he "played rough" with the baby in the past, and prosecutors say they plan to use the old injuries as evidence against him in the upcoming murder trial.

When Jeremy was removed from life support on Aug. 4, he became the 37th child in the Chicago area under age 15 to be slain, and the 9th under the age of 1. He was also the fourth infant whose body showed signs of prior abuse.

Before Tommy Eken of Midlothian was killed in February at age 3 months, he previously suffered four broken ribs, doctors said. He died of blunt head trauma, allegedly at the hands of his parents.

Ariel Hill, a 5½-month-old who lived in a Chicago Housing Authority building, was found to be severely malnourished in May when she was examined after being fatally scalded, allegedly by her mother.

After 8-month-old Tiffany Hughes of Aurora was beaten to death in July, allegedly by her mother's boyfriend, doctors discovered three healed rib fractures and 20 old bruises.

If the previous abuse had been detected, these children's lives might have been spared. That it wasn't is a familiar scenario to doctors and child abuse workers across the country.

"We hear stories similar to this one on a regular basis," said Karen McCurdy, a research analyst for the Chicago-based National Committee for the Prevention of Child Abuse. While there are no hard statistics correlating prior abuse with child fatalities, the committee reports that 1 in 3 children who died of abuse from 1990 through 1992 had had prior contact with protection service agencies for abuse and neglect.

"If a mother comes in and says the baby is crying a lot, that's such a common thing," said Susan Kecskes, a doctor of the pediatric intensive-care unit of Michael Reese Hospital and Medical Center, where Jeremy was in a coma for three days before dying. "There's a list as long as your arm why the baby is crying. A fractured extremity is one of them, but there are plenty of other ones that have nothing to do with abuse."

Lots of fat and muscle surrounds a baby's ribs and legs, making swelling difficult to detect, Kecskes added.

"Unless you touch the area suspiciously to try to find out if it hurts, you might not be able to figure it out," she said.

Rib fractures may not show anything externally, doctors say. And often, babies' bones twist rather than break, further hampering detection without X-rays.

"They call it the 'green stick fracture,'" said Aaron Zucker, a doctor at the pediatric intensive care unit of the University of Chicago Hospital. "Babies' bones are like brand new live tree limbs. They bend and buckle."

Also, many times a parent who is not abusing the baby denies suspicions that someone else in the household is.

Without external signs, and without a reason to suspect abuse, X-raying every baby who is brought in for inconsolable crying would constitute unnecessary treatment by most doctors' standards.

So what should well-meaning doctors and parents do?

"The first line of defense is to think of abuse as a possibility," said Neil Hochstadt, head of both the Cook County and Illinois Fatality Review Teams, and an associate professor of pediatric psychiatry at the University of Chicago Medical School. "If a pediatrician, or whoever, doesn't think about abuse as a possibility, they will often miss it. We have to be vigilant."

Whatever the obstacles, there also are signs of abuse in infants that doctors, nurses, parents and social-service workers must be trained to spot, experts say.

"Kids shouldn't cry inconsolably," said Dr. Robert Kirshner, the deputy chief Cook County Medical Examiner and an active member of the Cook County Child Fatality Review Committee. "Even colic is something that occurs at certain times of the day, after meals. You have to know when this child is crying."

"Even kids with broken bones don't always cry inconsolably."

Is the baby crying during diaper change? That might indicate leg or thigh discomfort. Is he crying more when he's being baby-sat by a particular caregiver? Does the mother have a new boyfriend?

Asking such questions can be awkward for physicians, who may believe their patients don't fit the profile of abuse victims.

"Unfortunately, the likelihood of detection in private pediatricians' offices is generally less," Hochstadt said. "It's not a pleasant thing to think about a person hurting their child."

One expert suggested lowering the threshold by which doctors decide whether to take X-rays.

"Let's say every time a woman has been beaten, we not only examine her, but we X-ray her children," suggested Michael Durfee, a Los Angeles psychiatrist who founded the Los Angeles County Child Death Review Team, and who has helped 20 states set up similar review teams. "Or if you're dealing with an infant, who can't tell you much of anything, let's X-ray them."

Charles and Jennie Arens led a private life, and their family was not known to the Illinois Department of Children and Family Services until Jeremy was killed.

Since the death, details of their lives have emerged that indicate the baby was at risk.

Jennie left home at age 15, and began dating Charles. They had their first child together a year later and gave the baby up for adoption.

After they had their second son, Chuck, who is now 2, they got married, Jennie said.

In interviews with family members and friends, Charles Arens was described as a man with a temper who dealt poorly with stress. He frequently overextended himself financially, and was often being sought by creditors.

At the time of his arrest in connection with Jeremy's death, Charles also was being sought by Cook County Sheriff's Police on two outstanding arrest warrants.

One was for violating his probation on a misdemeanor criminal sexual assault conviction—a charge that was filed by Jennie's father when Jennie, a minor at the time, got pregnant the first time—and the other for a theft charge.

Charles, who worked as a cook at Children's Memorial Hospital, typically baby-sat the kids while Jennie worked in the evenings.

"I thought that was the best arrangement," said Jennie Arens in an interview two weeks after her baby died. "I didn't trust day care."

DCFS examined the couple's other son and found no signs of abuse but took supervisory custody of the boy pending an investigation into Jennie's fitness as a parent. She was cleared of all wrongdoing in the police investigation of Jeremy's death.

Jennie did not suspect abuse. "I never saw him touch the kids," she said. "If I did, he wouldn't be around."

But she said she now believes her husband is guilty of inflicting Jeremy's fatal blow, and the prior injuries.

"If I had known . . ." she said, stopping abruptly before completing the sentence. Sitting in a chair in her parent's dimly lit, modest apartment in Mt. Prospect, her eyes moved toward the floor, and then back up. "You try not to blame yourself," she said softly.●

By Mr. DODD:

S. 1462. A bill to reduce and prevent the incidence of violence involving children; to the Committee on Labor and Human Resources.

NONVIOLENT FUTURES FOR CHILDREN ACT

Mr. DODD. Mr. President, I rise today to introduce the Nonviolent Futures for Children Act.

I have come to the floor of the Senate many times to speak out on the issue of violence and how it affects our Nation's children. But violence continues to pervade our communities, schools, and homes and to threaten the future of our children and our Nation. This ongoing challenge must be aggressively addressed. We must teach our children that violence is not the answer to resolving conflicts if we are to have any hope for the future. We must develop and implement effective programs in order to provide safe havens from the often dangerous city street and to offer our Nation's youth positive alternatives to crime and violence. We must educate and train parents and teachers in effective methods of ensuring our children's safety.

On Monday, I visited several public schools in my own State of Connecticut. I walked the corridors of these schools and listened to the concerns of students. Security guards are posted in the halls of some of these schools. The need for their presence is alarming and the cost of maintaining them is staggering—roughly $700,000 a year in one urban community alone. Yet this expense cannot be spared given the everyday risk of violence in our schools.

Students in these schools voiced concern about violence in the home as well, and if not physical abuse, then neglect and lack of parental guidance and structure. One high school senior told me that students join street gangs

in order to enjoy a sense of unity and support that is often lacking in the home. Another astute teenager pointed out that our youth need jobs—jobs that keep them off the street and away from the violence.

These problems do not exist only in Connecticut. The statistics nationwide indisputably indicate that violence is overwhelming our society and especially our youth. Teens in the United States are twice as likely as adults to be victims of a violent crime. One in five high school students now carries a firearm, knife, or club to school. Nearly 3 million crimes occur on or near school campuses each year. One quarter of major urban school districts are forced to rely on metal detectors. Firearm violence kills an American child every 3 hours—25 children every 3 days. And child abuse in the home has increased 50 percent since 1985.

Statistics also show that violence is cyclical. Being abused as a child increases the likelihood of being arrested as a juvenile by 53 percent and of being arrested for a violent crime by 38 percent. Children living in violent U.S. neighborhoods show the same symptoms of post traumatic stress disorder and the resulting interference with normal development and school performance can lead to depression, substance abuse, and antisocial behavior.

We must make advances in breaking the cycle of violence that our children face. The bill that I introduce today, the Nonviolent Futures for Children Act, seeks to reduce the incidence of violence involving children by encouraging prevention, early intervention, and the rehabilitation of youth offenders.

Specifically, the bill will work with all in the circle of people who affect our children: parents, teachers and other school personnel, community-based organizations, law enforcement agencies, and the youth themselves. The schools, as the central organized element in all these children's lives, will be the common element in these partnerships and will serve as the lead agency in the creation of these programs. This bill will complement the administration's Safe Schools Act of 1993, which I had the honor of introducing in the Senate in June, by building on the important components of that legislation, especially the concept of community-based partnerships. These partnerships are crucial in offering comprehensive and effective programs to combat the violence that can invade every sector of a child's environment—the school, the home, and the community.

This bill promotes a comprehensive approach by promoting early intervention programs as well as counseling and rehabilitation programs for youth offenders. The bill also encourages parental training. Children will be introduced to social skills training, conflict resolution, and peer mediation. Youth will be offered mentoring activities, job training, and afterschool activities—and youth offenders will be provided with rehabilitation resources. Teachers and education professionals will be trained in identifying and assisting children at risk of becoming youth offenders. Parents can receive instruction in childrearing and development as well as parenting skills in order to provide a positive, safe, and nurturing foundation for their children.

We can break the cycle of violence in our society by early prevention and intervention strategies—by building self-esteem and developing effective conflict resolution skills in our children and by offering our youth alternative activities and opportunities. We can offer youth offenders another chance through rehabilitation and we can counsel parents against child abuse.

It is time to stop trying to defend our children against violence with security guards in our schools. It is time to take the offensive and curtail violence before it affects more children and the cycle of violence begins again.

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. 1462

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 "Nonviolent Futures for Children Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to reduce and prevent the incidence of violence involving children through grant programs that encourage prevention, intervention, and the rehabilitation of youth offenders. The accomplishment of this larger purpose will be advanced through the following short-term goals:

(1) Teach children to resolve conflicts peacefully, teach older youth life skills, enhance self-esteem among all children, and make schools safer places to learn.

(2) Work with the families of school children through parenting education.

(3) Educate teachers and other education professionals in violence prevention techniques, and train such teachers and professionals to identify and assist high-risk children.

(4) Create partnerships between local schools and community-based organizations or agencies to develop supportive programs for youth in order to meet the academic as well as after-school and social needs of youth.

(5) Assist and rehabilitate youth offenders by providing funds for community-based programs.

SEC. 3. FINDINGS.

The Congress finds that—

(1) youth are disproportionately represented among the victims of violence, for example—

(A) United States teenagers are more than twice as likely as adults to be victims of violent crime; and

(B) firearm homicide is the second leading cause of death for all youth, aged 15 to 24;

(2) child abuse and neglect are increasing at alarming rates, for example—

(A) child abuse fatalities increased nearly 50 percent between 1986 and 1992;

(B) more than one-half of such fatalities resulted from physical abuse; and

(C) child abuse and neglect reports have increased 50 percent since 1985; and

(3) violence is cyclical, for example—

(A) being abused or neglected as a child increases the likelihood of arrest for violent crime by 38 percent, of juvenile arrest by 53 percent, and of adult arrest by 38 percent;

(B) two-thirds of men who abuse their wives are from violent childhood homes and about one-half of such men were abused as children; and

(C) eighty-four percent of prison inmates were abused as children.

SEC. 4. GRANTS FOR PREVENTION ACTIVITIES.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible local educational agencies to enable such agencies to pay the Federal share of the cost of providing preventive services and interventions intended to reduce the incidence of violence.

(2) GRANT DURATION.—A grant under this section shall be awarded for a period of not less than 3 years nor more than 5 years.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For the purpose of this section, the term "eligible local educational agency" means a local educational agency that—

(1) receives assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(2) serves an area in which there is a high rate of violence affecting children and youth; and

(3)(A) in the case of a local educational agency conducting activities described in subparagraphs (A) and (B) of subsection (f)(2), enters into a partnership agreement with at least one community-based organization or agency, such as a business, labor organization, professional society, government agency, university or nonprofit entity, to carry out such activities;

(B) in the case of a local educational agency conducting activities described in subparagraph (D) of subsection (f)(2), demonstrates to the satisfaction of the Secretary in the application submitted under subsection (d) a commitment for participation in such activities from a local law enforcement agency; and

(C) in the case of a local educational agency conducting activities described in subparagraph (E) of subsection (f)(2), enters into a partnership agreement with at least one community-based organization or agency described in subparagraph (A) to carry out such activities, which agreement shall require such agency or organization to provide substantive training, work experience, or job placement services after the job training described in such subparagraph (E) is complete.

(c) PAYMENTS; FEDERAL SHARE; LIMITATION.—

(1) PAYMENTS.—The Secretary shall pay to each eligible local educational agency having an application approved under subsection (d) the Federal share of the cost of the activities described in the application.

(2) FEDERAL SHARE.—The Federal share—

(A) for the first year for which an eligible local educational agency receives assistance under this section shall be 80 percent;

(B) for the second such year shall be 70 percent; and

(C) for the third and each succeeding such year shall be 50 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including planned equipment or services.

(d) APPLICATIONS.—Each eligible local educational agency desiring a grant under this section shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) an assessment of the extent and nature of the violence affecting children and youth in the community served by such agency;

(2) an assurance that the applicant has written policies regarding violence, school safety, and student discipline;

(3) a description of the activities to be carried out with the grant funds, and how such activities will help address the problem of youth violence in the community;

(4) the applicant's plan to involve parents, teachers, school personnel, youth and others from the community in the applicant's effort to address youth violence;

(5) coordination with other school reform and improvement efforts;

(6) an assurance that grant funds will be used to supplement and not supplant State and local funds available to reduce and prevent the incidence of violence involving children; and

(7) such other information the Secretary may require.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible local educational agencies serving areas with—

(1) a high concentration of disadvantaged students; and

(2) a high rate of violence affecting children and youth.

(f) USE OF FUNDS.—

(1) SCHOOL-BASED ACTIVITIES.—A local educational agency receiving a grant under this section may use such grant funds to provide one or more of the following school-based activities:

(A) Peer education or peer mediation, to teach youth to resolve conflicts through peer influence.

(B) Conflict resolution training, to teach youth conflict management skills, including how to defuse a potentially violent situation.

(C) Social skills training, with an emphasis on building self-esteem, improving interpersonal relationships and communication skills, and decreasing aggressive behavior.

(D) Youth designed and developed programs, to address the problem of violence.

(E) Parenting education, as age-appropriate, to prepare students for adult responsibilities of rearing children, including instruction in child development and family dynamics.

(F) Postsecondary educational opportunity projects, including—

(i) exposure to postsecondary educational opportunities, including academic and vocational opportunities;

(ii) information on assistance available under title IV of the Higher Education Act of 1965, including financial aid, programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (Federal TRIO Programs), and early intervention programs;

(iii) early identification of students at-risk; and

(iv) other support services.

(G) Remodeling and security personnel, including minor remodeling to reduce the risk of violence, such as removing lockers, installing better lights, controlling access to stairwells, acquiring and installing metal detectors, hiring security personnel, and reimbursing law enforcement authorities for services.

(2) SCHOOL-COMMUNITY PARTNERSHIP ACTIVITIES.—A local educational agency receiving a grant under this section may use such grant funds to provide one or more of the following school-community partnership activities:

(A) After-school programs for youth which, at a minimum, shall include academic support programs, sports, arts, crafts, community service and recreation activities.

(B) Mentoring programs to pair adults with children and youth to provide one-to-one assistance, attention and guidance.

(C) Parenting skills courses, offered with the support of parents in the community, to provide parents of students served by the eligible local educational agency with parenting skills training.

(D) Professional training, to train education professionals and school personnel in violence prevention, conflict resolution, anger management, and peer mediation techniques, and to identify high-risk youth and refer such youth for appropriate services.

(E) Job training and placement programs, including—

(i) the provision of incentives for participants to complete their secondary education;

(ii) the provision of job training with subsequent employment placement in a position which directly utilizes the training provided; and

(iii) the exposure to postsecondary educational opportunities, including academic and vocational opportunities.

(3) LIMITATION.—An eligible local educational agency receiving a grant under this section in any fiscal year shall not use more than—

(A) 10 percent of such grant funds in such fiscal year for the activities described in subsection (f)(1)(G) of this section; and

(B) 5 percent of such grant funds in such fiscal year for administrative expenses associated with activities assisted under this section.

(4) SPECIAL RULE.—In developing professional training programs described in paragraph (2)(D), an eligible local educational agency is encouraged—

(A) to contract for services with organizations demonstrating expertise in such programs; and

(B) to work with other representatives of organizations and agencies, including court personnel, social workers, representatives of law enforcement, and medical, mental health, and other health professionals.

SEC. 5. GRANTS FOR PROGRAMS TO SERVE OUT-OF-SCHOOL YOUTH AND YOUTH OFFENDERS.

(a) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—

(A) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to eligible entities to enable such agencies to pay the Federal share of the cost of establishing community-based programs that—

(i) assist out-of-school youth and rehabilitate youth offenders; and

(ii) provide opportunities for such youth to continue their education or obtain job training.

(B) CONSULTATION.—The Secretary shall consult with the Attorney General in developing program guidelines and awarding grants under this section.

(2) GRANT DURATION.—A grant under this section shall be awarded for a period of not less than 3 years nor more than 5 years.

(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means either a State educational agency or a local educational agency that enters into a partnership agreement to carry out the program assisted under this section with at least one community-based youth organization and the appropriate juvenile justice agency serving such State educational agency or local educational agency.

(c) PAYMENTS; FEDERAL SHARE; LIMITATION.—

(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (d) the Federal share of the cost of the activities described in the application.

(2) FEDERAL SHARE.—The Federal share—

(A) for the first year for which an eligible entity receives assistance under this section shall be 80 percent;

(B) for the second such year shall be 70 percent; and

(C) for the third and each succeeding such year shall be 50 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including planned equipment or services.

(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) an assessment of the population of out-of-school youth and youth offenders to be served;

(2) a description of the program to be carried out with the grant funds, and how such program will help meet the needs of out-of-school youth and youth offenders;

(3) a description of members of the partnership described in subsection (b) that are involved in the program, such member's roles and functions in carrying out the program, and the strength of such member's commitment to the goals of the program;

(4) the applicant's plan to involve parents, employers, teachers and other school personnel, and community members in designing and carrying out the program;

(5) an assurance that the grant funds will be used to supplement and not supplant State and local funds available to provide opportunities for out-of-school youth and rehabilitate youth offenders;

(6) a description of the ability of the community-based youth organization participating in the partnership described in subsection (b) to link youth with other social services as needed; and

(7) such other information the Secretary may require.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities serving areas with—

(1) a high concentration of out-of-school youth or youth offenders; and

(2) a high rate of violence affecting children and youth.

(f) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use such grant funds to provide a community-based program for out-of-school youth and youth offenders, which program shall include one or more of the following elements:

(1) A system designed to provide peer and adult support and redirection.

(2) Incentives for out-of-school youth and youth offenders to continue their education

through continuing secondary education, vocational training, school-to-work programs, postsecondary education or other opportunities.

(3) Assessment of such youths' needs, and referrals by the community-based youth organization participating in the partnership described in subsection (b) to appropriate services.

(4) Community service.

(5) Job training and placement opportunities.

(6) Access to mentoring services.

(7) Other services, as approved by the Secretary, designed to provide rehabilitative opportunities for such youth.

SEC. 6. REPORTING REQUIREMENT.

The Secretary shall prescribe annual reporting requirements for eligible entities receiving assistance under this Act, including requirements regarding—

(1) the characteristics of the youth served under this Act;

(2) the incidence of violence in the area served by a local educational agency receiving assistance under this Act; and

(3) the accomplishments of the activities assisted under this Act, and assessment of such activities by students and youth served by such activities.

SEC. 7. DEFINITIONS.

The terms used in this Act shall have the meaning given to such terms in section 1471 of the Elementary and Secondary Education Act of 1965.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $100,000,000 in each fiscal year to carry out this Act.

(b) LIMITATION.—Not more than 20 percent of the funds appropriated in any fiscal year pursuant to the authority of subsection (a) shall be available to award grants pursuant to section 5 in such fiscal year.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1463. A bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse; to the Committee on Labor and Human Resources.

FAIRNESS IN EDUCATION FOR GIRLS AND BOYS ACT

• Ms. MIKULSKI. Mr. President, today I, along with several other Members including Senator HARKIN, Senator SIMON, Senator KENNEDY, and Senator MOSELEY-BRAUN introduce a package of bills called the gender equity in education initiative.

What a perfect time to introduce this package of legislation. It's back to school time again. And it's a perfect time to promote fairness for girls and boys in education.

I am proud to be part of this initiative to help eliminate every element of bias in our society—whether it is bias based on race, ethnicity religion, or gender.

Our agenda is to make sure that all Americans are given equal value in our society. Our efforts are to make sure that with equal value we have equal opportunity.

We decided the best way to remedy issues around gender bias in schools is for each one of us to take a particular area of passionate interest to us.

We have each taken an area to concentrate on the reform of the Elementary and Secondary Education Act and in its funding and then ultimately in the culture of the United States of America.

Instead of one person acting on their own, we'll be able to accomplish our goal by showing that together we can bring about change.

These bills will improve teacher training across the board, help tackle the problem of sexual harassment, and help support young men, young women, and girls in education.

All of us are familiar with Dr. Carol Gilligan and her pioneering work: "In a different voice." Dr. Gilligan's research indicated that women speak in a different voice, but those voices are often made silent by the stereotypes in the dominant culture.

Young women as they are in elementary and preschool have not yet begun to be intimidated by the larger culture. In elementary and middle school, their voices are the most powerful.

As I talk to teachers and even the young students, they are all engaged in very specific projects and they're like little professors knowing that the world is open for them.

Then the cultural influences take over in middle schools and begin to silence girls. In the classroom, they are often overlooked by teachers, their comments are often minimized.

Young girls as they reach high school get the message that in order to be a success they have to hold themselves back in terms of their intellectual capacity.

And then there is even a far greater danger to young women. That danger is an abusive environment in which female students are sexually harassed by other students or by teachers or administrators.

Teachers overlook that and even in some instances engage in that. These bills will help solve that problem by giving the "white hat" teachers and the administrators the ability to meet the special needs of girls. And help teach young women the skills that will help them to be leaders, scientists, engineers, doctors, lab technicians, and computer scientists.

The purpose of this legislation is to make sure that we women not only speak in a different voice, but in a voice that will be heard.

Through our legislative initiatives, we want to create an environment that is conducive to learning. And to make sure that in this environment we promote the issues that are crucial to young women.

In my adolescent years, I took a summer school geometry class where I struggled to get those theorems and axioms in the right order. The teacher overlooked girls and minimized them and then would send messages that girls just don't have a chance to learn math.

It is important for many girls who are overlooked in the classroom to have the reinforcement of their families and extracurricular activities. Then they can reclaim their voice.

What we want in this legislation are the opportunities that women who attend all-girls high schools or all-girls colleges often enjoy. As a graduate of an all-girls high school and an all-girls college, my goal is to have that same opportunity in every classroom in the United States.

That means that young girls will have a sense of equal value, and a sense that they can be in power, and that their voices and ideas and abilities count.

Education gives women the ability to claim the power that they have. That is one of the strongest ways to transform our culture. And this gender equity act marches in that direction.

My piece of this legislative initiative first promotes innovative educational techniques to encourage young women to pursue math and science.

In fiscal year 1989, 600,000 teachers participated in the Eisenhower Math and Science Program. This bill will help see that those teachers understand the special needs of girls.

As chair of the Subcommittee on VA-HUD and Independent Agencies, I have put a lot of money into the National Science Foundation to deal with education issues in math and science for all students.

That has been my line-item approach. But what we need is an overall legislative approach. And that is why we seek an authorizing framework that is all encompassing, comprehensive, and that brings the Senate together to eliminate one of the most important biases in the United States of America.

Second, my bill deals with issues of sexual harassment in the classroom.

Hostile hallways: The AAUW survey on sexual harassment in America's schools indicates that 85 percent of all girls and 76 percent of all boys surveyed reported being sexually harassed. And 64 percent of girls report being harassed in the classroom.

Twenty-three percent of harassed girls report having received lower grades on papers and tests following the harassment, compared to 9 percent of boys.

One-third of all girls who have been sexually harassed report not wanting to go to school as a result, compared to 12 percent of the boys.

The purpose of my bill is to support our coordinators out there who are already working to address this issue of

sexual harassment. And to create an awareness of sexual harassment not only in our society, but in our classrooms.

The criteria around sexual harassment policy and exactly what creates a hostile school environment needs to be clearly articulated for everyone involved in the school system.

Exactly what is it that creates a hostile environment from student to student, and even in some instances, from teacher to student.

We must get the word out and increase the awareness that when we say "Boys will be boys," it is an unacceptable answer. Boys sexually molesting girls in locker rooms and corridors is not just "Boys will be boys."

The humiliation of another student is unacceptable, particularly when it is gender based. The impact on that negates not only what is happening to girls but to boys who don't think that this behavior is appropriate either.

Everyone should understand that there is zero tolerance for sexual harassment.

This whole legislative initiative is not only about girls and helping girls claim their own power within themselves and then ultimately in our society, but for those young boys and young men who are learning in their home, in their church, in their community, that women have equal value and will be partners in our society.

This bill will help to strengthen the positive attitude so that students are dealing with each other with mutual respect and therefore empowering all of our society.

So when we talk about masculine behavior, it must have in its roots the fact that real men don't pick on the weak, real guys don't pick on women, real guys are not abusive. And real men in our society practice behavior that treat themselves and others with respect and dignity and are willing to fight for it.

I want to thank all the supporters of this initiative, and commend the American Association for University Women [AAUW] and the National Coalition for Women and Girls in Education for their pioneering work on this effort and their powerful study on how education shortchanges girls.

I look forward to working with my colleagues to tell all young women—you do have equal value and that your voices matter and no matter how old you are you're voices will be heard.●

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1464. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure gender equity in education, and for other purposes; to the Committee on Labor and Human Resources.

WOMEN'S EDUCATIONAL EQUITY RESTORATION ACT OF 1993

Mr. SIMON. Mr. President, I am pleased to introduce this important legislation to help ensure that girls in our schools fulfill their potential. I want to thank my colleagues Senators KENNEDY, HARKIN, MIKULSKI, MOSELEY-BRAUN, SARBANES, INOUYE, and BOXER for cosponsoring this bill and my friend PATSY MINK for her leadership on this in the House.

Children live up or down to expectations. There has been some improvement, but teachers are still more likely to call on boys and given them constructive feedback. One study found that teachers direct 80 percent of their questions to boys. This leads to a dramatic drop in girls' confidence as they move from the elementary grades into middle and high school. My bill helps to address this through grants that can be used for programs to raise teacher awareness of this practice and to provide strategies for eliminating this practice.

Mr. President, there is no question that gender bias remains a serious and widespread problem in standardized testing. As you know, the SAT is used as a predictor of first year college grades. Women score an average of 60 points lower than men, yet earn higher grades during their first year of college. But this is after lower scores have hurt their chances for scholarships and college admission. One of the responsibilities of the new Office of Gender Equity created by my bill is to coordinate and fund research on gender equity in areas such as testing.

Another problem in many classrooms is that textbooks still stereotype women. Girls do not see their own lives, experiences, or accomplishments reflected in the curriculum. Of the 10 books most frequently read in high school English courses, only one was written by a woman. My bill addresses this by authorizing grants that can be used to provide nonsexist textbooks and other materials that will provide girls with female role models.

Women with 4 or more years of college who work full-time earn only 69 cents for every dollar earned by men with an equal number of years of education. We can do better. The only way to assure that women achieve parity with men in our work force is to assure that they have the same opportunities and encouragement beginning in elementary school. We must utilize all of our human resources. If we can enact this legislation, we will do better as a Nation.

Mr. KENNEDY. Mr. President, as we work to improve all aspects of education, one of the most serious challenges we face is the gender inequality that pervades education. The landmark 1992 study by the American Association of University Women refutes the common assumption that boys and girls are treated equally in our educational system. Clearly, they are not.

Despite the provisions of title IX prohibiting sex discrimination in schools receiving Federal funds, we continue to see differences in the educational achievement of boys and girls. Different teacher practices and different expectations result in much lower performance by girls on standardized tests especially in math and science.

The second class stigma is perpetuated through colleges and into the workplace. the end result is that women have less opportunity than men throughout their careers. It is no coincidence that women earn only $0.45 for every dollar earned by men, even though they constitute nearly half the workforce. In a sense, the glass ceiling is put in place in the school room, and that is the place where we must do more to dismantle it.

The 1993 gender equity education bills address these problems systematically and comprehensively. The principal provisions will encourage leadership training programs for girls; improve research on equity issues; improve the quality of math and science instruction; enhance dropout prevention programs; reduce the incidence of sexual harassment in schools; provide grants to schools to implement gender equity programs; and require colleges that receive Federal funds to provide data on women's participation in intercollegiate athletics.

We will address many of these issues as part of reauthorization of the Elementary and Secondary School Act. Wherever possible, we intend to incorporate gender-equity provisions in all Federal education programs.

The Nation's future depends on better education for all students—and when we say all, we mean all. It is time to eliminate gender bias from all aspects of education, at all levels, and for all women

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By Mr. HARKIN (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. INOUYE, Mrs. BOXER, and Mrs. MURRAY):

S. 1465. A bill to amend certain education laws regarding gender equity training, dropout prevention, and gender equity research and data; to the Committee on Labor and Human Resources.

GENDER EQUITY IN EDUCATION AMENDMENT OF 1993

● Mr. HARKIN. Mr. President, I think most Americans are familiar with the glass ceiling—that invisible barrier that often keeps competent and capable women from ascending to top jobs. Many of us are less aware that early in life it isn't the glass ceiling of the corporate suite but the plaster walls of the classroom that keep female students from realizing their potential.

Today, I rise to introduce the gender equity amendments of 1993 to ensure

that girls receive a share—an equal share—in the American dream by requiring equal treatment in the classroom. I am pleased to be joined in this effort by Senators KENNEDY, MIKULSKI, SIMON, MOSELEY-BRAUN, SARBANES, INOUYE, and BOXER.

This legislation also features five words that should be music to the ears of the American people: it involves no new money.

As I travel around Iowa and the Nation, I keep hearing one thing loud and clear: Americans are fed up with wasteful Government spending. In this time of spiraling deficits, they have had to do more with less and they rightly expect Washington to do the same.

Accordingly, this bill will use the tool of education, not taxation. The idea is to educate school personnel about gender bias so they can combat it. The cost will be paid not by hitting overburdened taxpayers but by redirecting funds already budgeted.

The first part of the bill amends various existing programs to make it clear that Federal funds may be used to encourage equity training for educators and parents and to provide leadership training for girls.

The second part takes 25 percent of existing funds for Federal dropout prevention and targets the money for pregnant and parenting students to keep them in school.

The final section encourages better research on gender issues within schools. It requires the Department of Education, where feasible,. to gather education data by sex, socio-economic status and race or ethnicity so that bias can be corrected.

In addition, I am cosponsoring three other bills that taken together comprise the Gender Equity in Education Package—the Fairness in Education for Girls and Boys Act sponsored by Senator MIKULSKI, the WEEA Restoration Act sponsored by Senator SIMON and the Equity in Athletics Disclosure Act sponsored by Senator MOSELEY-BRAUN.

This package will benefit the girls and women of America by ensuring equal opportunities. We must pass this legislation because in doing so we will make the Nation stronger.●

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, Mr. KENNEDY, Mr. HARKIN, Mrs. MURRAY, and Ms. MIKULSKI):

S. 1466. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Labor and Human Resources.

EQUITY IN ATHLETICS DISCLOSURE ACT

● Ms. MOSELEY-BRAUN. Mr. President, together with my distinguished colleagues, Senators KENNEDY, SIMON, HARKIN, MURRAY and MIKULSKI, I rise today to introduce the Equity in Athletics Disclosure Act of 1993.

This bill is an important component of the omnibus gender equity in education package which I and my distinguished colleagues Senators SIMON, HARKIN, and MIKULSKI are introducing as a collective effort to address the widespread gender inequities in our Nation's schools.

Mr. President, while the legislation being introduced by my colleagues focuses on elementary and secondary schools, the Equity in Athletics Disclosure Act addresses the widespread gender inequities in institutions of higher education.

Title IX, the principal Federal statute prohibiting sex discrimination in education, has helped to eliminate many discriminatory policies—such as rules that only boys could take shop classes—since 1972. Yet, because institutions of higher education are not required to disclose gender equity information regarding their athletic programs, many are still not in full compliance.

In fact, the National Collegiate Athletic Association [NCAA], the American Council on Education [ACE], and my colleague from Illinois—Congresswoman CARDISS COLLINS—have all documented the prevalence of gender inequities in intercollegiate athletics.

In 1992, the NCAA conducted a one-time study on gender equity in men's and women's intercollegiate athletic programs at all Division I-A schools. As expected, this study found that female college athletes received less than 18 percent of the athletic recruiting dollar and less than 24 percent of the athletic program operating dollar. This report also found that the average scholarship budget for men's teams is $1.3 million but only $500,000 for women's teams.

Mr. President, the American Council on Education [ACE] has also documented gross gender inequities in intercollegiate athletic coaching staffs. In a recent survey of 1,410 post-secondary institutions, the ACE found that women represent only 8 percent of athletic directors and only 6 percent of sports information directors.

Over the last 2 years, Congresswoman COLLINS has also used her position as chairwoman of the Commerce, Consumer Protection, and Competitiveness Subcommittee to highlight the gender inequities which plague intercollegiate athletics.

In three separate hearings, student athletes and coaches alike have testified that women's teams often have poorer facilities for training; worse hours for practice and competition; inferior travel accommodations; and little, if any, promotional support.

The Equity in Athletics Disclosure Act addressed these gender inequities by requiring institutions of higher education—which receive Federal funds—to disclose information on participation rates, coaching staffs, and program expenses for each of their men's and women's intercollegiate athletic teams.

This legislation requires institutions to disclose this information to the general public on request and to prospective students who need this information in order to make informed decisions concerning their education.

It also requires them to provide this information to the Secretary of Education who would, then, report it to Congress.

Mr. President, the NCAA has begun to address the problem of gender inequity through its 1992 study and its gender equity task force, but it is very clear that institutions of higher education will not disclose information on gender equity regarding their athletic programs voluntarily. The Women's Basketball Coaches Association recently sent out a questionnaire to 280 colleges and universities regarding their salaries for men's and women's basketball coaches, but only 20 percent of the schools responded.

Mr. President, let me conclude my remarks by reminding my colleagues that our efforts to achieve excellence in education will fail unless gender bias in our schools is eliminated and by urging them to support the gender equity in education package—including the Equity in Athletics Disclosure Act.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAMS OF CHILD ABUSE EDUCATION AND PREVENTION.

(a) GENERAL AUTHORITY.—Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4610 as section 4611; and

(2) by inserting after section 4609 the following new section:

"SEC. 4610. PROGRAMS OF CHILD ABUSE EDUCATION AND PREVENTION.

"From amounts appropriated under this part, the Secretary shall carry out programs for—

"(1) the development of curricula related to child abuse education and prevention; and

"(2) the training of personnel to teach child abuse education and prevention to elementary and secondary school children.".

(b) EFFECTIVE DATE.—The provisions of this section shall take effect on October 1, 1993.

SEC. 2. DEMONSTRATION PROGRAM OF CHILD ABUSE EDUCATION AND PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education shall establish a demonstration program for—

(1) the development of curricula related to child abuse education and prevention; and

(2) the training of personnel to teach child abuse education and prevention to elementary and secondary school children.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1993 and for each succeeding fiscal year such sums as may be necessary to carry out this section.●

By Mr. WELLSTONE:

S.J. Res. 133. To ensure that Members of Congress participate on an equal basis with their constituents in the health care system that results from health care reform legislation; to the Committee on Labor and Human Resources.

CONGRESSIONAL HEALTH INSURANCE ENROLLMENT JOINT RESOLUTION

● Mr. WELLSTONE. Mr. President, today I am introducing legislation which calls on all Members of Congress to enroll in the same standard health insurance plan that we will soon be creating for the average American. And it provides that all Members of Congress should publicly certify each year that they have in fact enrolled in this same standard plan.

My proposal will accomplish three distinct objectives. First, contrary to many of the laws we adopt, we will be treating ourselves the same way we treat everyone else. Second, we will be holding ourselves publicly accountable for assuring the public that we are not reaping greater benefits because of any consideration of special privilege or financial situation. And finally, we will be creating the best possible incentive for making sure that the health care plan we design this year or next will be first-rate in providing top quality health care for all.

I have little doubt that if we insist that Members of Congress enroll in the same standard plan we are legislating for everyone else, we will be sufficiently motivated to legislate the best health care coverage we can. This is not to suggest that, without my legislation, we would not design the best possible standard plan for all Americans. But it will serve as a mechanism to make sure that such a goal is achieved.

Following introduction and referral of my legislation, which is in the form of a joint resolution, I also expect to offer its provisions as an amendment to another appropriate legislative vehicle sometime soon.

I urge the support of my colleagues for this legislation.

I ask that a copy of the joint resolution be printed in the RECORD.

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

S.J. RES. 133

Whereas, Congress is expected to consider legislation in the near future that would offer health insurance plans at different prices; and

Whereas, the reform is likely to include a standard health care plan designed to be affordable to average Americans, but also will make more expensive plans available to those who can afford them; and

Whereas, differences in the prices of the plans could result in differences in quality, and could also affect an individual's ability to choose between managed care and fee for service plans; and

Whereas, the best guarantee of equity in a social program is to include people of all income levels and social classes in the same system with the same benefits, as is the case in the health care systems of most other industrialized countries; and

Whereas, Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join; and

Whereas, Members of Congress who participate in the standard, average-priced health care plan in their congressional district can provide an immediate warning of quality problems, deficiencies, and underservice, and can thus ensure that everyone, regardless of income, place of residence, health status, or employment will have access to quality health care; and

Whereas, public disclosure of the health care plans in which Members of Congress are enrolled would serve to keep providers and constituents aware of the stake that Members have in assuring the quality and efficiency of such health care plans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all Members of Congress should enroll in a standard health care plan available at their home of record that charges no more than the average premium for the area, and

That all Members of Congress should disclose publicly on an annual basis the health care plans in which they have enrolled.●

By BIDEN (for himself, Mr. AKAKA, Mr. DECONCINI, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, and Mr. THURMOND):

S.J. Res. 134. A joint resolution to designate October 19, 1993, as "National Mammography Day"; to the Committee on the Judiciary.

NATIONAL MAMMOGRAPHY DAY

● Mr. BIDEN. Mr. President, I introduce a joint resolution designating October 19, 1993, as "National Mammography Day."

According to the American Cancer Society, national figures on breast cancer indicate that, in 1993 alone, 182,000 women will be diagnosed with breast cancer. Forty-six thousand of these women will succumb to this disease.

Tragically, my home State of Delaware consistently ranks among the worst in breast cancer mortality, with about 600 new breast cancer cases and 175 breast cancer deaths in 1992.

There are many facets of breast cancer that remain undiscovered. However, in recent years, Congress has taken a number of steps to help to unlock the mysteries of this disease. Research funding has been dramatically increased, awareness and education efforts are proving successful, and a study is underway to find out why nine Northeastern States—including Delaware—have higher breast cancer mortality rates than the rest of the Nation.

Indeed, breast cancer has finally been recognized as one of our most urgent national health issues. In State houses and town halls, in urban hospitals and rural clinics, and in corporations and small businesses, the fight has been taken on in a number of new and innovative ways to combat this disease—a disease that has been allowed to plague American women far too long.

For example, in Delaware, a working group—comprised of my wife Jill, Lt. Gov. Ruth Ann Minner, County Councilwoman Karen Venezky, and a number of business leaders, breast cancer survivors, community leaders, doctors, and nurses—has been established to create new projects promoting early breast cancer treatment and to raise consciousness throughout the State. I salute this group and all the others, in Delaware and across this Nation, who are uniting for the common cause of eradicating breast cancer.

While a cure for breast cancer may be some time away, we do know that in fighting this disease, early detection and treatment are the keys to survival. And, experts universally agree that mammography is the best method of early detection of breast cancer. Mammograms can reveal the presence of small cancers up to 2 years before regular clinical breast examinations or breast self-examinations [BSE], saving as many as a third more lives of those diagnosed with the disease.

Mammograms are especially important to older women, with a woman at age 70 having twice as much of a chance of developing the disease than a woman at age 50. In addition, no woman can be considered immune from the disease; in fact, 80 percent of the women who get breast cancer have no family history of the disease.

Finally, when operated professionally, mammograms are a relatively quick and safe procedure, and efforts have been made to make mammograms more accessible and affordable. For instance, groups such as Mammography of Delaware are now operating mobile diagnostic centers, with the cost of the mammogram determined by the women's ability to pay. In addition, more and more health insurance plans are beginning to include standard mammography coverage for women.

This resolution, which is the result of the hard work of a number of organizations, takes the initiative to set aside 1 day in the midst of "National Breast Cancer Awareness Month"—which was passed by the Senate earlier this year—to encourage women to receive or sign up for a mammogram, as well as to bring about greater awareness and understanding of one of the key components in fighting this disease available at this time.

The organizations proposing "National Mammography Day" include:

the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., the Centers for Disease Control and Prevention, the National Alliance of Breast Cancer Organizations, the National Cancer Institute, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group.

I am pleased today to assist these organizations by introducing a congressional resolution on the same premise as their proposal. I want to thank Senators AKAKA, DECONCINI, MATHEWS, MIKULSKI, MOYNIHAN, PELL, and THURMOND for joining me as original cosponsors to this resolution, and I invite all of my colleagues to join me in this effort.

Finally, Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 134

Whereas according to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1993, and 46,000 women will die from this disease; and

Whereas in the decade of the 1990's, it is estimated that about two million women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths; and

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease than a woman at age 50; and

Whereas 80 percent of women who get breast cancer have no family history of the disease; and

Whereas mammograms, when operated professionally at an accredited facility, can provide a safe and quick diagnosis; and

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas mammograms can reveal the presence of small cancers up to two years before regular clinical breast examinations or breast self-examinations (BSE), saving as many as a third more lives; Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 19, 1993, be designated as "National Mammography Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.•

By Mr. SIMON (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. INOUYE, Mr. HATFIELD, Mr. MOYNIHAN, Mr. SIMPSON, Mr. BUMPERS, Mrs. KASSEBAUM, Mr. CONRAD, Mr. METZENBAUM, Mr. BRADLEY, Mr. KERRY, Mr. SARBANES, Mr. LIEBERMAN, Mr. LEVIN, Mr. PELL, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. HEFLIN, Mr. LEAHY, Mr. MITCHELL, Mr. RIEGLE, Mr. NUNN, Mr. ROCKEFELLER, Mr. CAMPBELL, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. MATHEWS, Mr. Jeffords, and Mr. CHAFEE):

S.J. Res. 135. A joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Day"; to the Committee on the Judiciary.

WORLD POPULATION AWARENESS WEEK 1993

• Mr. SIMON. Mr. President, on the behalf of my colleague Senator JEFFORDS and 30 other original cosponsors, I am proud to introduce a joint resolution recognizing World Population Awareness Week. For the past 9 years during the last week in October, citizens, organizations, and officials around the world have participated in World Population Awareness Week. The week is aimed at drawing greater attention to the overpopulation crisis. The Senate has recognized it for the last 4 years and I urge my colleagues to sign on this year.

There are currently nearly 5.6 billion people on the planet and this number is expected to double in the next 40 years. Ninety-five million people have been added to the world's population this year alone. The negative impacts of unchecked population growth are felt daily, especially by the poorest people in the world. Ninety percent of population growth is expected to occur in developing countries, but the U.S. will feel the consequences of the burgeoning numbers as well. From global warming to starvation, illegal immigration to rainforest loss, political instability to rampant spread of disease, overpopulation plays a role that cannot be overlooked or underestimated.

In recognition of World Population Awareness Week, events are being held in every congressional district across the United States. Nearly 3,000 discussion groups, films, and other educational events will raise public awareness of this crucial issue. Nearly 120 organizations with a total membership of over 40 million citizens are cosponsors. The League of Women Voters, the United Methodist Church, and the American Association of University Women are just a few of the U.S. groups involved in this week. Thirty-three countries are also observing the week. International organizations as diverse as the World Muslim Congress and Botswana Family Welfare Association are cosponsors of World Population Awareness Week. I am attaching a list of the organizations sponsoring World Population Awareness Week events and ask unanimous consent that it be included in the RECORD.

I urge all of my colleagues to become cosponsors to expeditiously pass this resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 135

Whereas the population of the world today exceeds 5.5 billion and increases at the rate of some 100 million per year;

Whereas more than 90 percent of world population growth occurs in developing countries, those least able to provide even basic services for their citizens;

Whereas rapid population growth and overconsumption are major deterrents to sustainable development;

Whereas 40 countries with 40 percent of the population of the developing world are currently unable to provide enough food for their inhabitants to meet average nutritional requirements;

Whereas the global community has for more than 25 years recognized the basic right of individuals to voluntarily and responsibly determine the number and spacing of their children;

Whereas expanded accessibility to family planning has led to a world with 400 million fewer people than there might have been;

Whereas at least one-half of the women of reproductive age in developing countries want to limit the number of their children, but lack the means or ability to gain access to modern family planning methods;

Whereas numerous studies provide compelling evidence of a strong correlation between a smaller desired family size and the elevation of the status of women, especially through opening educational and employment opportunities;

Whereas preparations are underway for the 1994 International Conference on Population and Development (ICPD) in Cairo, Egypt, focusing world attention on the integral linkage between population, sustained economic growth and sustainable development—more specifically, the importance of family planning, the role of women, the effects of migration, the need for increased resources, and the devastation caused by AIDS;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 25, 1993, is designated as "World Population Awareness Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a week with appropriate programs, ceremonies, and activities.

ORGANIZATIONS COSPONSORING WORLD POPULATION AWARENESS WEEK 1993

American Association of University Women.

League of Women Voters.

American Public Health Association.

Centre for Development and Population Activities (CEDPA).

Conservation International Foundation.

Defenders of Wildlife.

International Planned Parenthood Federation.

National Audubon Society.

Planned Parenthood Federation of America.

Sierra Club.

United Methodist Church, General Board of Church and Society, Ministry of God's Human Community.

Worldwatch Institute.

Woman's National Democratic Club.

Capitol Hill Women's Political Caucus.

The Humane Society of the United States.

Agricultural Cooperative Development International.

The Alan Guttmacher Institute.
Association for Population Family Planning Libraries and Information Centers—International (APLIC).
Association for Voluntary Surgical Contraception (AVSC).
California Sociological Society.
Carrying Capacity Network.
Center for Population and Family Health, Columbia University School of Public Health.
Center for Population Options.
Center for Reproductive Health Policy Research.
Childless By Choice.
Contraceptive Research and Development (CONRAD) Program, Eastern Virginia Medical School.
Creative Associates International, Inc.
Development Associates, Inc.
DKT International.
E Magazine.
East West Center/Population Institute.
Endangered Habitats League.
Family Health International.
Federation of American Immigration Reform (F.A.I.R.).
Institute for Development Training
Institute for Global Education
Izaak Walton League of America
John Snow, Inc.
Johns Hopkins University Population Center
Macro International Inc.
Margaret Sangar Center International
Ministry for Population Concerns
National Abortion Rights Action League (NARAL)
National Council of International Health
National Family Planning and Reproductive Health Association (NFPRHA)
National Puerto Rican Coalition, Inc.
National Wildlife Federation
Partners of the Americas
Pathfinder International
Population Action International
The Population Council
Population and Development Program, Cornell University
Population Communications
Population Communications International
Population Education Committee
Population-Environment Balance, Inc.
Population-Environment Dynamics Project, University of Michigan
Population Reference Bureau
Population Resource Center
Program for Appropriate Technology in Health (PATH)
Renew America
Research Triangle Institute
Society for International Development
Student Pugwash USA
Too Many People. . .Too Little Earth!
Transnational Family Research Institute
Tulane School of Public Health International Program
20/20 Vision
Whittier Environmental Council
Wild Earth magazine
World Federalist Association
World Population Society
Zero Population Growth

INTERNATIONAL ORGANIZATIONS

World Muslim Congress
Marie Stopes International
Family Care International, Inc.
Institute for Development Training
Institute for Global Education
Izaak Walton League of America
John Snow, Inc.
John Hopkins University Population Center
Macro International Inc.
Margaret Sangar Center International
Ministry for Population Concerns
National Abortion Rights Action League (NARAL)
National Council of International Health
National Family Planning and Reproductive Health Association (NFPRHA)
National Puerto Rican Coalition, Inc.
National Wildlife Federation
Partners of the Americas
Pathfinder International
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Population and Development Program, Cornell University
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Tulane School of Public Health International Program
20/20 Vision
Whittier Environmental Council
Wild Earth magazine
World Federalist Association
World Population Society
Zero Population Growth

INTERNATIONAL ORGANIZATIONS

World Muslim Congress
Marie Stopes International
Family Care International, Inc.
International Confederation of Midwives
International Council on Management of Population Programmes
Sir David Owen Population Centre
U.N. Latin American Demographic Centre
Asociacion Chilena de Proteccion de la Familia (Chile)
Asociacion Demografica Costaricense (Costa Rica)
Asociacion Pro Bienestar de la Familia Ecuatoriana (Ecuador)
Asociacion Pro-Bienestar de la Familia de Guatemala
Asociacion Uruguaya De Planificacion Familiar E Investigaciones Sobre Reproduccion Humana (Uruguay)
Association Beninoise pour la Promotion de la Famille (Benin)
Association CentraAfricaine pour le Bien-Etre Familial (Central African Republic)
Association Guineenne pour le Bien-Etre Familial (Guinea)
Association Ivoirienne pour le Bien-Etre Familial (Ivory Coast)
Bahamas Family Planning Association
The Botswana Family Welfare Association
Bugarian Family Planning Association
Caribbean Family Planning Affiliation Limited
China Family Planning Association
Family Planning Association of the Czech Republic
Family Guidance Association of Ethiopia
The Family Planning Association of Hong Kong
Family Planning Association of India
Family Planning Association of Pakistan
Family Planning Association of Turkey
Federation of Family Planning Associations, Malaysia
Guadeloupean Association for Family Planning
The Indonesian Planned Parenthood Association
Instituto Peruano de Paternidad Responsable (Peru)
Jordan Family Planning and Protection Association
Mauritius Family Planning Association
Metro Manila Council of Women Balikatan Movement, Inc.
Planned Parenthood Federation of Nigeria
Planned Parenthood of Ghana
Profamilia (Columbia)
Sociedade Civil Bem-Estar Familiar No Brasil (Brazil).●

By Mr. SIMON:

S.J. Res. 136. A joint resolution to designate the month of July 1994 as "Lewis and Clark Month"; to the Committee on the Judiciary.

LEWIS AND CLARK JOINT RESOLUTION

● Mr. SIMON. Mr. President, today I am proud to introduce a resolution that will honor two great Americans and their exploration of the American west. I would like to designate July 1994 as Lewis and Clark Month, in honor of Captains Meriwether Lewis and William Clark. These intrepid adventurers splendidly fulfilled President Thomas Jefferson's directive to explore the Louisiana Territory, the vast expanse of land west of the Mississippi River obtained from France in 1803.

Accomplishing a feat that is remarkable even by today's standards, Lewis and Clark successfully negotiated an eight thousand mile trek through unknown, uncharted wilderness in following the Missouri River westward from its mouth on the Mississippi to its headwaters in the Rocky Mountains.

The Lewis and Clark expedition is noteworthy not only for its logistical difficulty, but also for its thoroughness. President Jefferson requested that the expedition engage in a systematic study of the region, to include making maps and determining longitudinal and latitudinal coordinates, as well as reporting on the geology, anthropology, botany and animal life found throughout the journey. In addition, Lewis and Clark were charged with investigating and recording the linguistic, social, and religious practices of each Native American nation they encountered, in order to foster understanding and friendly relations with them.

The importance of this epic journey to our development as a nation cannot be underestimated. The vast amount of information obtained from the expedition had a profound effect on man's understanding of the North American continent, and paved the way for the United States' emergence as a world power.

Lewis and Clark's expedition traversed the land and water of eleven future states—Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon—and each of these States can take pride in being part of one of the greatest explorations in recorded

history. I hope that my colleagues who are not yet cosponsors of Lewis and Clark Month will join me in honoring these two heroic American explorers.●

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 478

At the request of Mr. RIEGLE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 478, A bill to establish the Small Business Capital Enhancement Program to enhance the availability of financing for small business concerns.

S. 588

At the request of Mr. ROBB, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 588, a bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes.

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national service day to promote community service, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 895

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

S. 1111

At the request of Mr. KERREY, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from Kansas [Mr. DOLE], the Senator from Maine [Mr. COHEN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1408

At the request of Mr. LOTT, the names of the Senator from Washington [Mr. GORTON], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. STEVENS], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 1408, a bill to repeal the increase in tax on Social Security benefits.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

SENATE JOINT RESOLUTION 33

At the request of Mr. MACK, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of Senate Joint Resolution 33, a joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Representatives and Senators in Congress.

SENATE JOINT RESOLUTION 129

At the request of Mr. KENNEDY, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 129, a joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, VA, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE RESOLUTION 124

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Resolution 124, a resolution expressing the sense of the Senate that the Olympic Summer Games in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China.

SENATE RESOLUTION 144—RELATIVE TO JOHAN JORGEN HOLST OF NORWAY

Ms. MOSELEY-BRAUN submitted the following resolution; which was considered and agreed to:

S. RES. 144

Whereas the Government of Norway of Gro Harlem Brundtland has worked assiduously to develop relationships with the Government of Israel and the Palestine Liberation Organization;

Whereas Foreign Minister Holst personally mediated negotiations between Palestine Liberation Organization Chairman Yasser Arafat and Israeli Foreign Minister Shimon Peres which facilitated mutual recognition and hope for a political solution to the problems of the Middle East;

Whereas many of the meetings were held in the familiar environment of the Foreign Minister's private home so that decades of hostility and suspicion might be overcome;

Whereas Mr. Holst created a channel "behind the scenes" which complemented the official negotiating channel established by the Madrid Process;

Whereas Mr. Holst was able to recognize new opportunities and seize them;

Whereas Mr. Holst has served in the Government of Norway as both Foreign Minister and Defense Minister for the Labor Governments of Prime Minister Gro Harlem Brundtland; and

Whereas Mr. Holst is an expert in security issues and has studied in the United States at Columbia University and has been a research associate at Harvard's Center for International Affairs: Now, therefore, be it

Resolved, That the Senate—

(1) commends Foreign Minister Holst for his vital contribution to the negotiations between the Government of Israel and the Palestine Liberation Organization; and

(2) honors Mr. Holst and the Government of Norway for their contribution to peace in the Middle East.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Norway.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

BURNS AMENDMENT NO. 894

Mr. BURNS proposed an amendment to the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place, insert: "That funds included in the section entitled as Special Park Increases of the National Park

Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf, shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park."

HATFIELD (AND MURRAY) AMENDMENT NO. 895

Mr. BYRD (for Mr. HATFIELD for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 2520, supra, as follows:

At the end of title III, insert:

SEC. Forest Service Separation Pay.

(a) In order to avoid or minimize the need for involuntary separations, effective for the period beginning upon the date of enactment of this Act through and including September 30, 1994, the Secretary of Agriculture, under such regulations and subject to such conditions as the Secretary of Agriculture may prescribe, shall have authority to offer separation pay to employees of the Forest Service to the same extent the Secretary of Defense is authorized to offer separation pay to employees of a defense agency in section 5597 of title 5, United States Code.

(b) In the event that an authority is enacted to offer separation pay or a voluntary separation incentive similar to such section 5597 of title 5, United States Code, but applicable to employees in the executive branch generally, the authority under subsection (a) shall terminate.

(c) Such payments may be made to employees who agree, during a continuous 90 day period designated by the agency head, beginning no earlier than the date of enactment of this Act and ending no later than September 30, 1994, to separate from service with the agency, whether by retirement or resignation.

(d) An employee who has received a voluntary separation incentive under this section and accepts employment with the Government of the United States within 2 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive to the agency that paid the incentive.

(e) Total outlays by the Forest Service pursuant to the cooperative work trust funds accounts (12-8028-0-7-302) shall not exceed $279,668,000 in FY 1994.

SIMPSON AMENDMENT NO. 896

Mr. BYRD (for Mr. SIMPSON) proposed an amendment to the bill H.R. 2520, supra, as follows:

On p. 10, line 4, before the period, insert the following: "*Provided further*, That within funds provided $100,000 shall be made available to the U.S. Fish and Wildlife Service for the purpose of compiling and maintaining a database consisting of big game and small game population levels and hunter harvests in, and adjacent to, areas under consideration for wolf reintroduction: *Provided further*, That such study shall consist of data obtained from state game and fish agencies and federal agencies with jurisdiction for wildlife management in these areas: *Provided further*, That such database shall include measured and estimated population levels of game species covering a period ten years prior to the date of enactment: *Provided further*, That such database shall be updated on a yearly basis after the date of enactment".

BYRD AMENDMENT NO. 897

Mr. BYRD proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 78, line 6 strike beginning with the ":" through "Appropriations" on page 78, line 12.

STEVENS AMENDMENT NO. 898

Mr. BYRD (for Mr. STEVENS) proposed an amendment to the bill H.R. 2520, supra, as follows:

Insert at the end of Title III the following new section:

"SEC. . None of the funds provided in this Act may be used to study or implement the Bureau of Land Management/United States Forest Service comprehensive strategy for Pacific salmon and steelhead habitat ("PACFISH") in the Tongass National Forest.".

HELMS AMENDMENT NO. 899

Mr. HELMS proposed an amendment to the bill H.R. 2520, supra, as follows:

At the end of the amendment add the following new section:

"SEC. . Notwithstanding any other provision of this Act, eligibility for the funds made available to the National Endowment for the Arts under this Act, with the exception of grants-in-aid to the states, shall be limited to not-for-profit institutions, organizations, associations, and societies.

HELMS AMENDMENT NO. 900

Mr. HELMS proposed an amendment to the bill H.R. 2520, supra, as follows:

At the end of the amendment add the following new section:

"SEC. . Notwithstanding any other provision of this Act or any other Act, of the funds made available to the National Endowment for the Arts for purposes of section 5(c) of the National Foundation on the Arts and Humanities Act of 1965, as amended, not less than 70 percent shall be for carrying out section 5(g) of the National Foundation on the Arts and Humanities Act of 1965, as amended; provided further, that in making minimum allotments to the states under section 5(g)(3) of the National Foundation on the Arts and Humanities Act of 1965, as amended, the Chairperson shall allot at least $400,000 to each state which has a population of 200,000 or more, according to the latest decennial census, and all funds in excess of such minimum allotments shall be allotted among the states in amounts which bear the same ratio to such excess as the population of each State bears to the population of all states according to the latest decennial census; provided further, the funds made available to carry out section 5(g)(3)(A) of the National Foundation on the Arts and Humanities Act of 1965, as amended, for state and regional arts groups shall not exceed $9,682,475.".

CRAIG AMENDMENT NO. 901

Mr. CRAIG proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 10, line 4, before the period, insert the following: "*Provided further*, that $40,000 of the funds provided herein shall be made available for the research program relating to habitat and repopulation studies and possible interactions between wolves and mountain lions in and around Yellowstone National Park."

BURNS AMENDMENT NO. 902

Mr. NICKLES (for Mr. BURNS proposed an amendment to the bill H.R. 2520, supra, as follows:

On page 16, line 5 before the "." insert the following: "That funds included in the section entitled as Special Park Increases of the National Park Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf, shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park: Provided that the resources reallocated shall be consistent with accounts remaining for the stated purpose based on the Committee's recommended funding level.".

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Wednesday, September 15, 1993, at 10 a.m. to hold a hearing entitled "The Hearing Aid Marketplace: Is the Consumer Adequately Protected?"

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on September 15, 1993, at 11 a.m. on the nominations of David Barram of California to be Deputy Secretary of Commerce and Steven Palmer of Michigan to be an Assistant Secretary of the Department of Transportation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., September 15, 1993, to receive testimony from Dr. Tara O'Toole, nominee to be Assistant Secretary of Energy for Environment, Safety and Health, and Jay Hakes, nominee to be Administrator of the Energy Information Administration for the Department of Energy.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the North American Free-Trade Agreement.

WITNESS LIST

I. The Honorable Ernest F. Hollings, United States Senator from the State of South Carolina

II. The Honorable Carl Levin, United States Senator from the State of Michigan

III. A Panel Consisting Of:

The Honorable Warren M. Christopher, Secretary, United States Department of State; Washington, DC.

The Honorable Lloyd Bentsen, Secretary, United States Department of the Treasury; Washington, DC.

The Honorable Mickey Kantor, United States Trade Representative; Washington, DC.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 15, 1993, beginning at 3 p.m. on the JTPA Program and Implementation of the Indian Employment Training and Services Demonstration Act.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, September 15, 1993.

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

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 15, beginning at 9:30 a.m., to conduct a hearing on reauthorization of the Clean Water Act, focusing on wetlands issues.

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

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Wednesday, September 15, 1993, at 10 a.m., in executive session, to meet with the members of the French Armed Services Committee.

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, September 15, 1993, at 9 a.m. to conduct a hearing on S. 1405, the National Flood Insurance Reform Act of 1993.

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

ADDITIONAL STATEMENTS

COMMEMORATION OF CENTENNIAL ANNIVERSARY OF SVOBODA

• Mr. LIEBERMAN. Mr. President, today marks the 100th anniversary of Svoboda, the official newspaper of the Ukrainian National Association. I am extremely pleased to honor this occasion for the oldest Ukrainian newspaper in the world and one of the oldest ethnic newspapers in the United States. Throughout its history, Svoboda, which means liberty, has served as a window for the West providing information and insight on the struggle for Ukrainian independence. Through Svoboda, American political leaders learned of the Stalinist famine in the Ukraine during the 1930's, the arrests of Ukrainian human rights activists in the 1970's and 1980's, and the final struggle for independence in 1990 and 1991.

Svoboda has provided hundreds of thousands of Ukrainian immigrants to this country the opportunity to read about the United States and the world in their native language. Moreover, it has served as the catalyst for the creation of numerous organizations to serve the educational, social, and cultural needs of the Ukrainian-American community.

I commend all those involved with Svoboda these past 100 years and congratulate the Ukrainian National Association for its outstanding work. It is my fervent hope that Svoboda and the association will continue their important service to the Ukrainian-American community and the global community for another 100 years.•

TRIBUTE TO SISTER EILEEN M. EGAN, EDUCATOR AND FRIEND

• Mr. McCONNELL. Mr. President, I rise today to honor Eileen M. Egan of Louisville, KY. Sister Egan will step down from her post as president of Spalding College next June after 25 years of dedicated service.

Sister Egan received her undergraduate degree from her order in Nazareth, KY. Following her graduation she came to Louisville and began teaching in the Portland neighborhood. She lived at the Nazareth College campus in Louisville, and admits that she felt a certain safety in these familiar surroundings.

The Louisville school, which has roots that date to 1814 and Bardstown, KY, has come a long way over the years. When it opened in Louisville in 1920 it enjoyed the distinction of being the first senior college for women. In 1969, the same year the school changed its name to Spalding College, Sister Egan became president. Since that time the school has become a coeducational university with a predominantly secular faculty and board.

The college has developed an urban atmosphere due to its location in downtown Louisville. Sister Egan justifiably believes that this is one of the strong suits of the college, it gives the students a chance to use the city as a laboratory. Giving the students the opportunity to work in the community while still in school has provided an invaluable experience and assisted many in landing jobs upon graduation.

Sister Egan's decision to step down comes at a time when the college's academic and financial position is at its highest level. Under her leadership thousands of students have completed their studies and moved on to contribute in many meaningful ways not just to Louisville and Kentucky, but to all of society.

Mr. President, I ask my colleagues to join me in honoring this wonderful educator who has given years of her life to the cause of helping educate and better the lives of our nation's youth. In addition, I ask that an article from the Courier-Journal of September 9, 1993 and an editorial from the September 14, 1993 edition be included at this point.

The article follows:

[From The Courier-Journal, Sept. 9, 1993]

SPALDING PRESIDENT TO STEP DOWN AFTER 25 YEARS IN SECOND HOME

(By Michael Jennings)

A lonely young woman far from her Boston home, Sister Eileen M. Egan once sent a plea heavenward from what was her island of solace in a sea of the unfamiliar.

In the early 1950s, fresh from her novitiate at Nazareth, Ky., Egan was teaching in Louisville's Portland neighborhood. At night, on weekends and in the summer, she was working toward her undergraduate degree at a women's college run by her order—the Sisters of Charity of Nazareth.

The Nazareth College campus in downtown Louisville "was, for me, home again," she said. For one thing, it was run by nuns from the same order that had schooled her since she was in second grade.

One day in the school's chapel, she prayed; "God, If I could only stay here, I wouldn't feel this isolation . . . this psychological aloneness,"

In time, her prayer was answered. In 1969, she became president of the school, which in the same year was renamed Spalding College.

Yesterday, Sister Egan announced publicly that she will step down next June after 25 years as president, during which the school became a coeducational university with a mostly secular governing board and faculty. She told the Spalding University trustees Thursday of her plan.

"It's very difficult to leave," said Egan, who declined to give her age. "But I know it's right to leave. One should never stay too long."

Nazareth College—an offshoot of a college and academy founded near Bardstown in 1814—opened in Louisville in 1920 as Kentucky's first senior college for women. Its president has always been a member of the Sisters of Charity of Nazareth.

But Sister Egan said yesterday it's "an open question" whether the next president will be a member of the order. Joseph Corradino, chairman of the university's trustees, said he will head a national search for a president who will preferably be Catholic but might be either a man or a women.

The search committee, he said, will include trustees, members of the Sisters of Charity of Nazareth, students and faculty members.

Sister Egan said she had pondered her plan to resign since last spring. Signs of the university's academic and financial strength

convinced her during the summer that it was a good time to hand over the reins, she said.

Coradino said he knew resigning was on her mind but had expected her to announce it later this year. "She's trying to shepherd us to do the right thing with enough time, and I really respect her for that," he said.

While the university has changed—its leadership becoming more secular, its atmosphere more urban—its core traditions of inclusiveness and community service remain constant, Sister Egan said. From their earliest days, both in Louisville and at Nazareth, the institutions that became Spalding University have honored the religious sensibilities of non-Catholic students, she said.

Spalding enrolls more than 1,200 students, nine-tenths of them from the Louisville area, and it offers a blend of liberal arts and professional studies.

"Sister will not disappear" from Spalding after she leaves as presdent. Corradino said. Egan, who holds a doctorate in English and a law degree, said she'll stay in Louisville and do what God wants her to do next.

But first, she said, she'd like to hop a freighter "and keep company with the ocean and my books and just travel—I don't care what the destination is."

Maggie Sergeant, a junior majoring in elementary education at Spalding, said she was disappointed that Sister Egan is leaving but approved of her plans.

"I think that she's just spent a lot of her life working very hard to get where she is, and I think she deserves a break."

[From the Courier-Journal, Sept. 14, 1993]

SPALDING'S SPIRIT

Eventually all good things come to an end, but it's regrettable that this includes the tenure of the visionary educator who transformed a sleepy Louisville college into a dynamic downtown university. Sister Eileen Egan deserves a glorious retirement, of course, but her leadership as Spalding University's president will be missed.

Under her guidance, Spalding has become a school where students can expect to receive a strong liberal education or confidently prepare for a specific professional career. Recognizing that a university needs to do more than stretch the mind, Sister Egan strived to create an environment that also tunes the soul. Encouraging teachers to pair classroom work with community experiences is one way she helped make this happen. Also, the conscious decision to keep the school downtown has made it possible for students to see more of the world than they would if it were in the suburbs. By using the city as its laboratory, the college enhances the life of downtown as well as being enhanced by it.

When she retires in June after 25 years as president, she'll leave a bold, creative mark. May it endure.•

THE ELECTRONIC MEDIA POLL ON TELEVISION VIOLENCE

• Mr. SIMON. Mr. President, researchers have been telling us for years that exposure to violence on television is related to the violence we see in society. There have even been several polls recently which have shown that most adult television viewers also feel that there is a relationship between entertainment violence and crime in the United States. But two very different types of polls on the issue came across my desk recently, and I would like to share them with my colleagues today.

The first is a survey of young people from age 8 to 12, conducted by the Harrigan-Bodick firm for the Nickelodeon cable channel. According to the poll, 80 percent of the children surveyed said there is too much violence on television. Ninety-three percent of the youth believe that their parents think there is too much violence on television and 91 percent said that when they saw violence happening to real people on television it bothered them, causing them to worry about what might happen to them or their families.

The second survey was conducted by Electronic Media, an industry newspaper. While many of the polls conducted to date on the issue have focused on the opinions of television viewers, this is the first survey I know of which examined the attitudes of local broadcasters. When the Green Marketing Group questioned 100 general managers from all over the country, they found that 74 percent said that there was too much needless violence on television. When presented with a list of proposed options for dealing with the problem, the most popular among local broadcasters was having the industry cut back on violent programming itself.

Mr. President, I ask that the Electronic Media article on the local broadcasters survey be printed at this point in the RECORD.

The article follows:

[From the Electronic Media, Aug. 2, 1993]

STATION MANAGERS: TELEVISION IS TOO VIOLENT

(By Diane Joy Moca)

LOS ANGELES.—By an overwhelming majority, TV station managers say television is too violent, according to a recent survey conducted for Electronic Media.

Though most surveys on violence focus on viewer reaction, the exclusive EM poll concentrated for the first time on the attitudes of local broadcasters.

Conducted two weeks ago by Greene Marketing Group, the poll questioned 100 general managers across all regions of the country and all market sizes.

The result: 74 percent said there was too much needless violence on the small screen.

"I think there is some gratuitous violence we're subjecting our consumers to," said Tim Bever, general Manager of CBS affiliate KBCI-TV, Boise, Idaho.

"I think theatrical features that go on television (are among the worst offenders). Some of the network fare is a little rough," Mr. Bever said.

Asked to choose the worst offender of four options—basic cable, broadcast, syndication and local news—65 percent of those surveyed picked basic cable.

Local news received the best marks of the four, with only 13 percent citing it as the biggest source of violence on television.

The focus on the networks doesn't do justice to the violence question. I think the networks are doing a fairly good job of regulating violence," says Jeffrey Marks, general manager of NBC affiliate WLBZ-TV, Bangor, ME.

"I don't think that the people who are observing violence are taking the time to differentiate the different types of television they see," said Robert Davis, general manager of NBC affiliate KMTR-TV, Eugene, OR.

"I think cable has proliferated more of a violent element in programming, and over-the-air broadcasting has had to air more violent programs to be competitive," says Patrick North, general manager of independent KPHO-TV, Phoenix.

A majority of general managers—55 percent—say they have refused or would refuse to air a program that they deemed too violent.

Mr. North said he has opted not to show certain movies on KPHO.

"I think it's tougher for the independents because we do have to compete," he said.

"As long as there are disclaimers and we let the audience know there's violence, they can choose to watch it or not."

But Michael Fisher, president and general manager of FBC affiliate KTXL—TV, Sacramento, CA., says he has never blocked a program.

"Televisions don't shoot people; guns do," he said.

"It is a powerful medium. We can do a lot. We've certainly edited some programs, and we've run disclaimers," he said.

"But I can't remember the last time, or the first time, that somebody complained to me about violence on this television station."

Attitudes were divided over the Federal Communications Commission involvement in the issue of violence.

Almost half—49 percent—of general managers polled said the FCC should not have the authority to enforce regulations against violence as it does with indecency. However, 42 percent said the Commission should have that authority.

"Government's track record is as questionable as what you see on TV," says KBCI's Mr. Bever.

"A lot of them deal from an emotional base; a lot of them are reactionary to the squeaky wheel rather than what is the populace. We don't need their intervention."

Here are some other highlights of the poll:

While close to half—44 percent—of general managers surveyed said they would like to see rating codes for television similar to those used for theatrical movies, 74 percent were opposed to the so-called V-chip, a device that theoretically could be installed in new TV sets to block out violent shows.

While 57 percent said advisories are a good solution, 18 percent said the answer is to leave all decisions solely in the hands of the consumer.

And when it comes to the most violent show on network television, "Cops" was the top vote-getter, cited by 27 percent of those responding to the question.

"The Untouchables" tallied 10 percent of that vote, and made-for-TV movies tied with the yet-to-premiere ABC series "NYPD Blue" at 6 percent.

When taking into account all programming, pay cable was named most often, by 14 percent of respondents, as carrying the most violent programming.●

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

● Mr. GRAHAM. Mr. President, I rise to support the passage of the National Defense Authorization Act for fiscal year 1994, as amended by the full Senate. Though far from being complete and being signed into law by the President, this bill reflects the enormous changes that have occurred around the world as they have changed the threats to our national security.

It must be noted that the bill also reflects the immense changes within our own country. The change in the administration is certainly a major factor that will determine the course of our defense establishment as we move into the 21st century. It will be our fiscal situation, though, that will play the greatest role in determining the direction of our military. We have come to learn that the domestic threats can be as great a threat to our national security as foreign ones.

Mr. President, there are those who still say we have not done enough with the defense budget and there are those who say we have gone too far in putting together this legislation. While I do not subscribe to one view over the other, neither argument is lost on me.

Four times this century our Nation has substantially reduced our defense structure. This was always done after a major conflict: World War I, World War II, Korea, and Vietnam. The downsizing was usually drastic, often too quick, and unfortunately always inappropriate for the future needs of our Nation. Again we must downsize, but this time to accommodate the end of the cold war. We will eliminate hardware, we will close bases, and we will reduce our personnel strength. We will also learn from our past mistakes.

This bill, however, is still about the marine, soldier, sailor, airman, and cost guardsman. No matter what the changes in the world events, they are the ones who will answer the call. In this bill we address the issues of COLA's and concurrent receipt of benefits for retirees, as well as a host of other benefits our personnel are entitled. It is not enough to ensure that they have the best equipment. We must continue to ensure that their families are well taken care of and that benefits that are due them, are received.

As the House completes action on its version of the defense bill and when it goes to conference, the interest of the men and women of the Armed Forces must continue to be of our foremost concern.

I wish to thank the chairman of the committee, Senator NUNN, and the ranking member, Senator THURMOND, for the accommodations during deliberations on amendments to the bill. I would also like to thank the very capable staff on both sides for their cooperation and guidance, and very much look forward to working with them as the bill goes to conference with the House, then being signed into law.●

CENTENNIAL OF SVOBODA

● Mr. BUMPERS. Mr. President, today, the Ukrainian National Association is celebrating the centennial anniversary of its newspaper, Svoboda. For the last 100 years, Svoboda has offered Ukrainian Americans a tie to their ethnic roots, as well as assistance with their educational, social, and cultural needs. I congratulate the Svoboda and hope that their next 100 years are as productive and worthwhile as the first.●

CHICAGO'S GANG AWARENESS WEEK

● Mr. SIMON. Mr. President, the week of September 13–17 has been declared Gang Awareness Week in Chicago. The groups Parents Against Gangs, and Broader Urban Involvement and Leadership Development are sponsoring the week. The many activities that are planned for the week are designed to raise awareness about the problems of gangs in Chicago and in our Nation as well, and to encourage parents and other community members to get involved in efforts to curb gang violence.

Our young people need a great deal of support and encouragement to help prevent them from joining gangs. Many youth in our cities today believe that becoming a gang member is their most worthwhile option. The loyalty among gang members provides a seemingly secure family, and the profits from gang-related illegal activities such as drug trafficking are a powerful draw. However, the life of a gang member is often a very violent one. Gang-related crime and violence continue to increase at an alarming rate. In Chicago alone, gang-related homicides per year rose from 38 in 1980 to 101 by 1990. Already, many neighborhoods, both in urban and rural areas, are virtually controlled by gangs. At a hearing held in Chicago by the Office of Justice Programs, one mother testified that one of the few sentences her 2-year-old child knows is: "Get down, get down, they're shooting." In Chicago, it has come to this.

Without preventing youth from becoming involved in gangs, we will see gang-related violence rise to even higher levels. We cannot afford to have thousands more American youth joining gangs. It is imperative that we take action now to prevent our youth from becoming involved in activities that destroy their opportunities to lead healthy and productive lives.

Parents Against Gangs, and Broader Urban Involvement and Leadership Development are two groups that are taking action. During Gang Awareness Week, they are sponsoring the Parents Against Gangs Annual Conference, displaying the victims of violent crime remembrance quilt, and holding a victims of violent crime memorial service. Parents Against Gangs has many ongoing programs as well. These include a radio and television talk show entitled "A Season of Peace," which calls on gang members to lay down their weapons and peacefully observe the holiday season beginning with Thanksgiving and ending with the New Year; Operation Parent Sweep, a campaign designed to challenge and encourage parents to take back control of their homes, children, and neighborhoods; Homicide/Violence Crime Advocacy Program, a hospital-based program designed to provide support for families who have lost a loved one due to a violent death; and the Parent Empowerment Program, which will work with committed parents to strengthen their relationships with their children and to retake control of their neighborhoods.

I commend these two organizations and I ask my colleagues to join me in recognizing their tireless efforts to reduce the problems of gang violence in Chicago.●

LITTLE ROCK MUSICAL COTERIE

● Mr. BUMPERS. Mr. President, early records now held in the Arkansas Room of the Little Rock Public Library tell how in 1893 three gentlewomen—Mrs. Elizabeth Pierce Lyman, Mrs. Susie Pierce Stephens, and Mrs. Effie Miller Williams—were invited to the home of Mrs. Cora Cross Marshall for tea and the express purpose of forming a music club. From this grew the organization now known as the Little Rock Musical Coterie.

Next month the Little Rock Musical Coterie will celebrate its 100th anniversary.

Meetings of the Little Rock Musical Coterie were first held in members' homes, and by January 1904, the organization had become well enough established to be featured in Arkansas Life magazine in an article marking its first decade as "a notable institution for the promotion of musical talent and higher culture * * * the leading organization of its kind in the Southeast."

Meetings, with concerts, were held monthly from September through May, and from members' homes moved to various city locations, including the Masonic Temple, the Christian Temple at Tenth and Louisiana, the Hotel Marion, Robinson Auditorium, and the Arkansas Arts Center.

From its modest beginnings, the coterie was more than just an opportunity for like-minded individuals to get together to make music. Perhaps because the membership has always included a good percentage of music teachers, the main interest and concern has been to foster musical talent in the young and provide financial support wherever possible.

The Little Rock Public Library presently houses a collection of vocal and instrumental music collected and donated by the dedicated members of the coterie.

In 1898 similar music clubs around the Nation formed the National Federation of Music Clubs [NFMC], which Arkansas joined in 1915, becoming one of the first States to affiliate with the national organization.

In 1904 the coterie voted to send $25 to the NFMC convention toward prize money for an American composition contest, the first such contribution recorded in the history of American music clubs.

In 1973 the coterie was incorporated as a nonprofit corporation and received tax-exempt status. Over the years, the Little Rock Musical Coterie has been in the forefront of movements that later resulted in the formation of the Arkansas Symphony Orchestra, the Arkansas Choral Society, the Arkansas Opera Theatre, and the Community Concerts organization.

Annually, the coterie sponsors or promotes competitions and awards designed to encourage young musicians. The Hildegard Smith Award, in the amount of $1,000, is given each year to a university student. The Crusade for Strings competition, part of a national program of the same name, is open to elementary and secondary school students, winners receiving cash prizes and an opportunity to perform on a coterie program.

Programs for young musicians are organized and promoted through 11 junior music clubs and junior festivals are held in February.

The coterie contributes to the Butterfield Endowment Fund, which provides scholarships to the opera workshop and festival at Inspiration Point in Eureka Springs, presents the Stillman-Kelly Scholarship quadrennially, and the Wendell Irish Viola Award.

A number of events have been planned to commemorate the 100th anniversary of the organization. In October, the University of Arkansas at Little Rock will hold a musical tribute, featuring a new work by composer-in-residence, Dr. Robert Buory, especially commissioned for the occasion. Next May, internationally renowned pianist David Allen Wehr returns to UALR for a recital.

Mr. President, in these times of cutbacks and budget constraints, organizations like the Little Rock Musical Coterie fill the void in school music curricula, as well as touch many other areas of the community through its actions in the cause of music.

I want to join in saluting this group of enthusiastic and talented volunteers as they celebrate 100 years of vitality and dedication to good music in Little Rock.•

DEMISE OF THE A-6

• Mr. D'AMATO. Mr. President, with the imminent demise of the A-6, naval aviation faces some hard truths.

The F/A-18 will be the primary, if not the only, bomb dropper on carrier decks for the next several decades;

The F/A-18C/D has range, payload, and night/all weather attack limitations;

The baseline F/A-18E/F, as presently conceived, recaptures the range and payload lost during the evolution of the F/A-18, but does not improve upon the night/all weather attack capability of the current F/A-18C/D; and,

Future adversaries will not limit their activities to daylight or clear nights for the convenience of the carrier airwings.

The bottom line is that, in retiring the A-6, the strike arm of naval air must not lose the anytime, under any conditions capability it currently enjoys.

This means that the F/A-18E/F program must be restructured, now, early in development, to ensure that the baseline design is as capable a night/all weather attack aircraft as the current A-6 Block 1A. Furthermore, a robust pre-planned product improvement plan should be in place prior to the start of F/A-18E/F production to ensure that Hornet evolution continues to exploit the latest in strike technology and stays ahead of future threats.

The Navy has provided me with a snapshot assessment, however crude, comparing the capabilities of the A-6 SWIP, F/A-18C/D, A-6 Block 1A, and F/A-18E/F. I ask that this material be inserted into the RECORD. I have asked the Navy to identify potential opportunities to cannibalize A-6 components that could be integrated into the F/A-18 to improve its night/all weather attack capability. When completed, I will be happy to share that analysis with my colleagues.

The material follows:

DEPARTMENT OF DEFENSE INFORMATION PAPER

Service/Agency: Department of the Navy, Appropriation Account.

Subject: Comparison of A-6 and F/A-18 All Weather/Night Attack capabilities.

1. Question/request: This information paper is in response to a request for a side by side comparison of the most advanced A-6 all weather/night attack capabilities and the unique pieces of equipment that enable it to perform those missions, as compared to the most advanced version of the F/A-18C/D, and proposed similar capabilities for the F/A-18E/F.

2. Response: The A-6E SWIP and F/A-18C/D are models currently deployed. The A-6E BLOCK IA and F/A-18E/F are models in development. In general, the A-6E and F-18E/F variants have similar systems, although their mission emphasis differ somewhat. Each aircraft type has different weapon carrying capability and capacity, performance characteristics, and range. The A-6E is principally an all-weather attack aircraft, while the F/A-18 possesses an all-weather Anti-Air capability in addition to its attack role. The A-6E has unique capability in its Search Radar Terrain Clearance (SRTC) and Radar Beacon Bombing systems. The SRTC permits low altitude ingress and weapons delivery in poor weather or at night, while beacon bombing capability enables the aircraft to attack targets referenced to a ground-based beacon transponder. Both the A-6E and F/A-18 use Night Vision Goggles to permit near "day like" conditions during night visual meteorological conditions.

The subject aircraft equipment and general capabilities are listed on the attached enclosure. It is emphasized that the degree of capability of the systems summarized can distinctively differ, system to system, according the technological sophistication, space, weight and power levels, methods of employment, and many other factors.

Aircraft capability/equipment	A-6E SWIP	F/A-18 C/D	A-6E Block 1A	F/A-18 E/F
General avionics and display systems:				
Avionics multiplex bus [advanced weapons].	No	Yes	Yes	Yes.
Heads up display [HUD].	No	Yes	Yes	Yes.
Digital moving map	No	Yes	No	Yes.
Multisource integration [MSI] program.	No	Yes	No	Yes.
General navigation and radar navigation systems:				
Inertial navigation systems [INS].	Yes	Yes	Yes	Yes.
Global positioning system.	No	Yes [1]	Yes	Yes.
RABFACE/beacon bombing.	Yes	No	Yes	No.
Tactical altitude director system.	Yes	No	Yes	No.
Multi-functional information distribution system [MIDS].	No	Yes [1]	No	Yes.
Terrian clearance [TC]	Yes	No	Yes	No.
Terrain avoidance [TA]	Yes	Yes	Yes	Yes.
Electro-Optical systems:				
Laser target designator/ranger.	Yes	Yes	Yes	Yes.
Laser spot tracker	Yes	Yes	Yes	Yes.
Targeting forward looking infrared [FLIR].	Yes	Yes	Yes	Yes.
Navigation FLIR	No	Yes	No	Yes.
Night vision goggles [NVG].	Yes	Yes	Yes	Yes.
Electronic countermeasures [ECM] suite:				
Chaff/flare dispenser system.	Yes	Yes	Yes	Yes.
Decoy	No	No	Yes	Yes.
Integrated defensive avionics program.	No	No	Yes	Yes.
ECM active	Yes	Yes	Yes	Yes.
Radar homing and warning.	Yes	Yes	Yes	Yes.

[1] Planned, funded, but not yet operational.•

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. MITCHELL. Madam President, I ask unanimous consent that on Thursday, September 16, from 12 noon to 3 p.m., Senate committees may file committee-reported Legislative and Executive Calendar business.

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

THE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 183, 199, and 200; that the bills be deemed read three times, passed, and the motions to reconsider laid upon the table, en bloc; further that the consideration of these items appear individually in the RECORD; and any statements relative to these calendar items appear at the appropriate place in the RECORD.

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

LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE ACT

The bill (S. 597) to designate the U.S. courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr. United States Courthouse" was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed; as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE.

The United States courthouse located at 10th and Main Streets, in Richmond, Virginia, is designated as the "Lewis F. Powell, Jr. United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any references in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 is deemed to be a reference to the "Lewis F. Powell, Jr. United States Courthouse".

DESIGNATING THE LEWIS F. POWELL, JR. COURTHOUSE

Mr. WARNER. Madam President, I am very pleased that the Senate today will consider by unanimous consent, legislation I have sponsored to name the Federal courthouse in Richmond, VA, in honor of a most distinguished American, former U.S. Supreme Court Justice Lewis F. Powell, Jr.

Justice Powell literally has given a lifetime to public service, culminating in more than 15 years on the U.S. Supreme Court. And his contributions have not been limited to his chosen profession. He has donated his time and talent extensively for the betterment of Richmond, his native community, as well as his State. A decorated veteran of World War II, Justice Powell has served his Nation bravely in war as well as in peace. It is certainly appropriate for the Federal courthouse in his hometown to bear his name.

A lifelong resident of Richmond, Justice Powell is a graduate of Washington and Lee University and Harvard Law School. He entered the bar in 1931; 3 years later he joined Hunton, Williams, Gay, Power & Gibson, of Richmond, the South's largest law firm.

In 1941 at the age of 34, Justice Powell heeded his Nation's call to arms, enlisting in the U.S. Army Air Corps. He served as an intelligence officer in the European and North African theaters, rising from the rank of lieutenant to colonel and earning the Legion of Merit, the Bronze Star, and the French Croix de Guerre with Palm.

Returning to the practice of law, he dedicated himself to improving the administration of the legal profession. Over the years he assumed a series of leadership positions in the organized bar, including presidencies of the American Bar Association (1964–65), the American Bar Foundation (1969–71), and the American College of Trial Lawyers (1969–71).

When he was nominated to the High Court by then President Nixon in 1971, Justice Powell was described by his friends and colleagues as the "quintessential Southern gentleman"—kind, courteous, humble, respectful, persuasive yet at all times polite. In a fitting tribute to the justice's character and integrity, those same words were chosen to honor his service when he retired from the Court in 1986. Fellow Justice O'Connor said that, "the humanizing influence of Justice Powell's courtesy and kindness is not an easy thing to measure, but for those of us who felt it, it will be impossible to forget."

Justice Powell brought more than a record of legal accomplishment in the field of corporate and securities law. His devotion to his civic endeavors provided him with the experiences which were frequently reflected in his Supreme Court career. Those experiences, along with his sincere concern for those seeking relief from hardship and injury before the Court, provide insight into Justice Powell's perception of the Court's role as an institution.

Justice Powell's reverence for the U.S. Constitution and respect for the decisions of the Supreme Court were demonstrated early in his career, during his tenure as chairman of the Richmond City School Board (1952–61). He was a voice of reason during turbulent times, working tirelessly to forge a consensus in the community which allowed for the peaceful integration of Richmond's public schools. His unfailing commitment to quality public school education and to ensuring a child's access to such education continued with his appointment as chairman of the Virginia Board of Education, as well as his 1968 appointment to the commission on Constitution Revision. That commission was charged with modifying the Virginia Constitution for the first time since 1928.

His imprint on this undertaking was evident in the adoption of his amendment to the Virginia Constitution which stipulates that "free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth."

As President Johnson's appointee to the National Advisory Committee on Legal Services for the Poor, and also as president of the American Bar Association during the 1964–65 term, Justice Powell devoted the full force of his position and considerable reputation to remind the legal community of its duty in a democratic society: to work with the Government to provide free, accessible, quality, legal assistance to the indigent.

His commitment in this arena bore fruit in the Legal Services Program of the Office of Economic Opportunity, formalizing a partnership between the legal profession and the Federal Government. Justice Powell skillfully avoided politicizing the program and was successful in achieving the highest professional standards—the hallmark of the program today.

Reflecting back on his beliefs, Justice Powell maintained that "* * * our systems depends on the rule of law, and lawyers are officers of the court. And the courts preserve only with the aid and assistance of lawyers the liberties and freedoms of our people."

Justice Powell is remembered as a centrist member of the Court, often providing the swing vote. These popular views, however, fail to recognize the depth of his commitment to his 80 hours each week on cases before the Court and writing over 260 opinions plus and equal number of concurring and dissenting opinions—the third highest number written. In each opinion, he sought to develop a consensus, balancing the views of each side so that each side believed some success had been achieved in appearing before the Court.

If I may offer my own observations of Justice Powell's actions on the Court, he seemed deeply committed to developing opinions founded on the specific facts of each case, rather than seeking to establish some overarching ideological goal as policy. Further, he was not isolated from the impact his decisions would have on the parties involved in the cases before him. As former Clerk Richard H. Fallon, Jr., noted, "When deeply entrenched principles war with each other, a Justice who seeks to preserve both, however precariously, perhaps bears the marks of a conservative. But if Justice Powell is a conservative, he is the wisest kind of conservative, in whom the intellectual and moral virtues are not disjoined from human understanding and compassion."

In perhaps his most publicized opinion, Regents of University of California

versus Bakke (1978), Justice Powell affirmed the validity of affirmative action programs while invalidating the narrow question before the Court of a medical school's admission policy based solely on race. This limited ruling served to support the principle of affirmative action as a means of addressing past practices of discrimination.

In several subsequent cases, the Court has affirmed the basic tenets of Bakke where Justice Powell wrote the following:

If the petitioner's purpose is to assure within its student body some specified percentage of a particular group merely because of its race or ethnic origin, such a preferential purpose must be rejected not as insubstantial but as facially invalid. Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids.

The fourth goal asserted by petitioner is the attainment of a diverse student body. This clearly is a constitutionally permissible goal for an institution of higher education. Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment. The freedom of a university to make its own judgments as to education includes the selection of its student body.

The fatal flaw in petitioner's preferential program is its disregard of individual rights as guaranteed by the 14th Amendment. Such rights are not absolute. But when a state's distribution of benefits or imposition of burdens hinges on the color of a person's skin or ancestry, that individual is entitled to a demonstration that the challenged classification is necessary to promote a substantial state interest.

Madam President, perhaps the most succinct assessment of Justice Powell's character, integrity and persona was offered by Judge J. Harvie Wilkinson, Jr., who said, "For those who seek a comprehensive vision of constitutional law, Justice Powell will not have provided it. For those who seek a perspective grounded in realism and leavened by decency, conscientious in detail and magnanimous in spirit, solicitous or personal dignity and protective of the public trust, there will never be a better Justice."

In naming the Federal courthouse after Justice Powell, we do more than simply recognize his keen intellect, his considerable powers of reason and his contributions to American society. We also pay tribute to a great humanitarian who gave freely of his talents with endless compassion to improve the quality of life for all Americans.

We commemorate a man who took dreams of a better America and made them reality.

CHARLES E. BENNETT FEDERAL BUILDING

The bill (H.R. 2431) to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building," was considered, ordered to a third reading, deemed read the third time, and passed.

HOWARD H. BAKER, JR. COURTHOUSE

The bill (H.R. 168) to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, TN, as the "Howard H. Baker, Jr. United States Courthouse" was considered, ordered to a third reading, deemed read the third time, and passed.

MEASURE INDEFINITELY POSTPONED—S. 1302

Mr. MITCHELL. Madam President, I ask unanimous consent that Calendar Order No. 198, S. 1302, be indefinitely postponed.

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

NATIONAL FOREST FOUNDATION ACT AMENDMENT ACT OF 1993

Mr. MITCHELL. Madam President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1381, the National Forest Foundation Act Amendment Act of 1993; that the Senate proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the bill (S. 1381) was passed, as follows:

S. 1381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Foundation Act Amendment Act of 1993".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to provide for start-up and matching funds for project expenses to carry out the National Forest Foundation Act; and

(2) to extend the funding authorization for start-up expenses for 1 year.

SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) IN GENERAL.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j–3) is amended—

(1) in subsection (a)—

(A) by inserting ", project," after "administrative"; and

(B) by striking "following the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(2) in subsection (b)—

(A) by striking "from the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(B) by inserting "and project" after "administrative".

(b) TECHNICAL AMENDMENT.—Section 410(b) of such Act (16 U.S.C. 583j–8(b)) is amended by striking "following the date of enactment of this title," and inserting "beginning October 1, 1992,".

ORDERS FOR THURSDAY, SEPTEMBER 16, 1993

ORDERS FOR MONDAY, SEPTEMBER 20, 1993

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Thursday, September 16, and that on Thursday, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate then stand in recess until 12 noon on Monday September 20; that following the prayer, the Journal of proceedings be approved to date; that the time for the 2 leaders be reserved for their use later in the day; and that there then be a period for morning business, not to extend beyond 12 p.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator DORGAN recognized for up to 15 minutes, Senator DASCHLE for up to 30 minutes, and with the time from 1 p.m. until 2 p.m. under the control of Senator BYRD.

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

PROGRAM

Mr. MITCHELL. Madam President, as a result of the orders just obtained, the Senate will be in session pro forma only tomorrow and there will be no session on Friday, both in observance of the religious holiday Rosh Hashanah.

The Senate will return to session on Monday at 12 noon. We will take up two matters on that day; one, a Senate joint resolution with respect to the defense base closure and realignment process. That will be the subject of 1 hour of debate and a vote will occur on that measure at 6 p.m. on Monday. Senators should now be aware that a rollcall vote will occur at 6 p.m. next Monday.

In the meantime, the Senate will begin consideration of the VA–HUD appropriations bill. Senators should be aware that votes on that measure may occur following the 6 p.m. vote on the Defense Base Closure and Realignment Commission's report.

So the next vote will be at 6 p.m. on Monday. More votes may occur, depending upon the status of the VA–HUD appropriations bill.

It is my intention to proceed to other appropriations bills next week and the week following that, since we are required to complete action on all of the appropriations measures by the end of the fiscal year, which ends at midnight on September 30. So Senators should

anticipate lengthy sessions, with votes at any time that the Senate is in session next week and the week after.

So that there can be no misunderstanding about this and every Senator will be on notice, whenever the Senate is in session, votes are possible, including procedural votes to compel the attendance of Senators at sessions, if that is necessary.

As all Senators know, I have refrained from that practice in an effort to accommodate the schedules of Senators. But we are getting near to the end of the fiscal year and it may be necessary to do so. For the next couple of weeks, beginning next Monday, we will be in every day, probably well into every evening, with votes occurring at any time that the Senate is in session, unless otherwise stated to the contrary.

I want to thank all Senators for the progress we made on the Defense authorization bill and the Interior appropriations bill, both of which were completed this week. That required and received cooperation from a number of Senators, and I am grateful to all of these who so cooperated. Similar cooperation will be necessary if we are to complete action on the other appropriations bills and other important measures which we face in the coming weeks. So I thank my colleagues for their cooperation.

I wish all those involved an enjoyable and appropriate observation of the religious holiday.

I remind Senators that the next vote will be at 6 p.m. next Monday.

RECESS UNTIL 11 A.M. THURSDAY

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, and no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 5:04 p.m., recessed until Thursday, September 16, 1993, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 1993:

DEPARTMENT OF STATE

HAZEL ROLLINS O'LEARY, OF MINNESOTA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

IVAN SELIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

JANE E. BECKER, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 37TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15, 1993:

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

WILLIAM GREEN MILLER, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

REGINALD BARTHOLOMEW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY.

RICHARD N. GARDNER, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

GORDON D. GIFFIN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1993.

GORDON D. GIFFIN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

THE NATIONAL MARITIME HERITAGE ACT OF 1993

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. ANDREWS of Maine. Mr. Speaker, I rise today because our maritime heritage is disappearing. We are a maritime Nation. Our Nation and our economic wealth was built on our maritime trade. Our future is linked to the vitality of our maritime industries. We have, however, been unable to preserve our maritime heritage.

Today I am introducing a significant piece of legislation which will help preserve our maritime history for future generations. The National Maritime Heritage Act of 1993 establishes a National Maritime Trust, modeled after the National Trust for Historic Preservation, whose sole responsibility is ensuring the preservation of our maritime heritage.

Last spring, I was approached by a group of educators and preservationists from Maine interested in promoting our maritime heritage through an exciting national education program.

As a result of researching Federal support for maritime preservation, I discovered that there is no significant Federal grant program available for maritime preservation. For well over a decade, the only significant Federal funding for maritime preservation has come from specific line items for particular programs—not from a competitive grant program. For this reason, I have worked closely with the National Maritime Alliance to develop a federally funded competitive grant program to support maritime heritage programs across the country. The projects funded by these grants will be required to have matching State and private funds.

The backlog of maritime projects requiring funding is staggering. According to the National Park Service, the United States faces a backlog of between $80 and $150 million in unmet maritime preservation needs along our lakes, rivers, and seashore in practically every State in the Nation.

During the mid-1930's the United States commissioned the documentary drawings of 426 of the most important historical vessels in existence. Today, none of those vessels exists in America. They are gone forever.

The *Constellation,* one of only four historic vessels of exceptional importance that Congress ordered the Navy to preserve, is rapidly deteriorating. Only two of the original four vessels exist today and the *Constellation* is in a tenuous state of repair. The *Constellation,* now owned by the city of Baltimore, is the last sailing warship built for the U.S. Navy, and the second oldest Navy ship surviving today. With a tradition dating back to 1797, this ship serves a unique role in the preservation of our heritage. Without significant funding it will be lost.

The National Maritime Trust will act as an umbrella organization bringing together Federal, State, local and nonprofit groups in an effort to coordinate a national initiative to preserve our most important maritime properties and educate Americans about the significance of our maritime heritage. Without such an effort more and more of our maritime heritage will disappear forever.

The National Maritime Trust will help administer a competitive grant program funded by the scrapping of ships in the National Reserve Defense Fleet. These obsolete ships are owned and maintained at great expense by the Maritime Administration. The U.S. Government will actually save money by scrapping these ships.

Consequently, this bill serves two important purposes. It helps to preserve our maritime heritage and saves taxpayers money. It is not often that we can achieve such laudable goals with one piece of legislation.

Our modern maritime industries are in peril at a time when international commerce offers great promise. I believe that there is a link between this fact and the lack of attention and investment in the preservation of our maritime heritage. We are losing thousands of jobs in our maritime industry. Without strong public support, we may lose the U.S.-flagged fleet and our domestic shipbuilding capabilities. This bill is an important step toward educating Americans about our maritime industry. It is an important link to our past as well as our future.

Mr. Speaker, I urge my colleagues to support this important piece of legislation.

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Maritime Heritage Act of 1993".

SECTION 2. FINDINGS.

Congress finds and declares that—

(1) the United States is a maritime nation with a rich maritime history, and it is desirable to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture;

(2) the maritime historical and cultural foundations of the Nation should be preserved as a part of our community life and development;

(3) national, state, and local groups have been working independently to preserve the maritime heritage of the United States;

(4) historic resources significant to the Nation's maritime heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(5) the preservation of this irreplaceable maritime heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, and economic benefits will be maintained and enriched for future generations of Americans;

(6) in the face of ever-increasing development, the present governmental and nongovernmental historic preservation programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich maritime heritage of our Nation;

(7) a coordinated national program is needed to immediately redress the adverse consequences of a period of indifference during which the maritime heritage of the United States has become endangered and to ensure the future preservation of the Nation's maritime heritage;

(8) a national maritime heritage policy would greatly increase public awareness of the educational, recreational, and preservation values of maritime heritage; and

(9) the creation of a National Maritime Trust for Historic Preservation in the United States would greatly enhance maritime preservation.

SECTION 3. NATIONAL MARITIME HERITAGE POLICY.

It shall be the policy of the Federal Government in partnership with the States and local governments and private organization and individuals to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony and fulfill and social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand and accelerate their maritime historic preservation programs and activities.

SECTION 4. NATIONAL MARITIME TRUST.

(a) CREATION.—To further the policy enunciated in this Act to facilitate public participation in the preservation of maritime sites, buildings, and objects of significance or interest, and to further the education of the American public about the importance of our maritime heritage, there is hereby created a charitable, educational, and nonprofit corporation, to be known as the National Maritime Trust.

(b) PURPOSE.—The purposes of the National Maritime Trust shall be to—

(1) receive donations of real property and objects significant in American maritime history and culture;

(2) to preserve and administer them for public benefit;

(3) to accept, hold, and administer gifts of money, securities, or other property of whatsoever character for the purpose of carrying out a maritime preservation and education program; and

(4) to execute other functions as are vested in it by this Act.

(c) PRINCIPAL OFFICE.—The National Maritime Trust shall have its principal office in the District of Columbia and shall be

deemed, for purposes of venue in civil actions, to be an inhabitant and resident thereof. The National Maritime Trust may establish offices in other places as it may deem necessary or appropriate in the conduct of its business.

(d) ADMINISTRATION OF NATIONAL TRUST.—

(1) COMPOSITION OF BOARD OF TRUSTEES.—

(A) The affairs of the National Maritime Trust shall be under the general direction of a board of trustees composed as follows: the Secretary of the Interior; the Secretary of Transportation and the Secretary of the Navy, ex officio; and not less than six general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.

(B) The Secretary of the Interior, the Secretary of Transportation, and the Secretary of the Navy, when it appears desirable in the interest of the conduct of the business of the board and to the extent as they deem it advisable, may, by written notice to the National Maritime Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the board of trustees.

(C) The number of general trustees shall be—

(i) fixed by the Board of Trustees of the National Maritime Trust;

(ii) chosen by the members of the National Maritime Trust from its members at any regular meeting of the National Maritime Trust; and

(iii) appointed by the Secretary of the Interior.

(2) TERMS OF OFFICE.—The respective terms of office of the general trustees shall be as prescribed by the said board of trustees but in no case shall exceed a period of five years from the date of election. A successor to a general trustee shall be chosen in the same manner and shall have a term expiring five years from the date of the expiration of the term for which the trustees predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of that term. The chairman of the board of trustees shall be elected by a majority vote of the members of the board.

(3) COMPENSATION AND EXPENSES.—No compensation shall be paid to the members of the board of trustees for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Maritime Trust at the direction of the board.

(e) POWERS AND DUTIES OF NATIONAL MARITIME TRUST.—To the extent necessary to enable it to carry out the functions vested in it by this Act, the National Maritime Trust shall have the following general powers:

(1) To have succession until dissolved by Act of Congress, in which event title to the properties of the National Maritime Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Maritime Trust, at the discretion of the Secretary of the Interior, pass to and become vested in the United States of America;

(2) To sue and be sued in its corporate name;

(3) To adopt, alter, and use a corporate seal which shall be judicially noticed;

(4) To adopt a constitution and to make such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as it deems necessary for the administration of its functions under this Act, including among other matter, bylaws, rules, and regulations governing visitation to maritime historic properties, administration of corporate funds, and the organization and procedure of the board of trustees;

(5) To accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or in trust, for the purposes for which the National Maritime Trust is created. Unless otherwise restricted by the terms of the gift or bequest, the National Maritime Trust is authorized to sell, exchange, or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it from any source whatsoever, shall be placed in such depositories as the National Maritime Trust shall determine and shall be subject to expenditure by the National Maritime Trust for its corporate purposes;

(6) To acquire by gift, devise, purchase, or otherwise, absolutely or on trust, and to hold and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of, any real property, or any estate or interest therein (except property within the exterior boundaries of national parks and national monuments), as may be necessary and proper in carrying into effect the purposes of the National Maritime Trust;

(7) To contract and make cooperative agreements with Federal, State, or municipal departments or agencies, corporations, associations, or individuals, under such terms and conditions as it deems advisable, respecting the protection, preservation, maintenance, or operation of any maritime historic site, building, object, or other property used in connection therewith for public use, regardless of whether the National Maritime Trust has acquired title to the properties, or any interest therein;

(8) To enter into contracts generally and to execute all instruments necessary or appropriate to carry out its corporate purposes, which instruments shall include such concession contracts, leases, or permits for the use of lands, buildings, or other property deemed desirable either to accommodate the public or to facilitate administration;

(9) To appoint and prescribe the duties of such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the National Maritime Trust may determine; and

(10) Generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Maritime Trust is created.

SEC. 5. NATIONAL MARITIME HERITAGE GRANTS PROGRAM.

(a) ESTABLISHMENT.—

(1) There is established within the Department of the Interior a National Maritime Heritage Grants Program to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture.

(2) Within 90 days after the date of enactment of this Act, the Secretary, acting through the Director of the National Park Service, may enter into a cooperative agreement with the National Maritime Trust for assistance in the administration of the grants program.

(3) The Secretary shall administer a program of matching grants-in-aid to carry out the purposes of this Act.

(4)(A) In addition to the programs under paragraph (3) of this subsection, the Secretary may, through the National Maritime Initiative, administer a program of direct grants for the preservation of maritime resources. Funds to support this direct grants program annually shall not exceed 10 percent of the amount derived under section 6 of this Act.

(B) These grants may be made by the Secretary—

(i) for the preservation of national maritime historic resources which are threatened with demolition or impairment and for the preservation of maritime historic resources of significance;

(ii) for maritime demonstration projects which will provide information concerning professional methods and techniques having application to maritime historic resources;

(iii) for the training and development of skilled labor in trades and crafts, and in analysis, marine survey, and curation, relating to maritime historic preservation; and

(iv) for educational programs to increase the awareness by the American public of our maritime heritage.

(b) GRANTS PROCESS.—

(1) The Secretary shall publish annually a grants solicitation, together with grant priorities and other relevant information, in the Federal Register and otherwise as the Secretary deems appropriate.

(2) Each fiscal year, the Secretary, acting through the National Maritime Trust, shall receive and process applications for grants under the regulations promulgated pursuant to Section 11 of this Act.

(c) NATIONAL MARITIME TRUST RESPONSIBILITIES.—Under the cooperative agreement executed under subsection (a) of this section, the National Maritime trust shall be responsible for administration of the grants program, including—

(1) publicizing the program to prospective grantees in accordance with the regulations promulgated by the Secretary;

(2) answering inquiries from the public, including providing information on the program as requested;

(3) distributing grant applications;

(4) collecting proposals and ensuring their completeness;

(5) forwarding the proposals to the Committee for review;

(6) transmitting the recommendations of the Committee to the Secretary;

(7) keeping records of all grant awards and expenditures of fund;

(8) monitoring progress of grants;

(9) providing progress reports to the Secretary as requested; and

(10) any other responsibilities that the Secretary deems appropriate.

(d) REPORT TO CONGRESS.—The National Maritime Trust shall submit an annual report on the program to the Secretary for transmittal to Congress. The report shall include—

(1) a description of each project funded;

(2) the results or accomplishments of each project;

(3) a detailed review of the National Maritime Trust's operations, activities and financial condition;

(4) recommended priorities for achieving the purposes of the Act under Section 5(c)(4); and

(5) the audit report required under Section 8.

(e) CRITERIA FOR GRANT ELIGIBILITY.—To qualify for a grant under this section, a grantee must—

(1) demonstrate that the project for which funding is being sought—

(A) has the potential for reaching a broad audience with an effective educational program based on American maritime history, technology, or the role of maritime endeavors in American culture; and

(B) has the ability to garner support from non-federal sources;

(2) match the grant award with non-federal assets, including cash, as appropriate;

(3) demonstrate organizational viability;

(4) exhibit the existence of approved business and operation plans;

(5) maintain records as may be reasonably necessary to fully disclose—

(A) the amount and the disposition of the proceeds of the grant;

(B) the total cost of the project for which the grant is given or used;

(C) the amount and nature of that portion of the cost of the project supplied by other sources; and

(D) other records as will facilitate an effective audit required in regulation by the Secretary;

(6) provide access for the purposes of any required audit and examination of any books, documents, papers, and records of the recipient under this Act; and

(7) be a unit of federal, state, or local government, or a non-profit organization that has applied for, or has been granted, 501(c)(3) status.

(f) GRANTS.—Grants will be available for projects of—

(1) national, regional, and local maritime historic significance, including restoration of vessels, small craft, lighthouses, and other sites, structures, or objects listed on the National Register of Historic Places; and

(2) significant educational or cultural value, including museums, fishing villages, maritime educational waterborne-experience programs, construction or purchase of educational facilities, structures or vessels, and other projects that the Secretary deems appropriate.

(g) TERMS AND CONDITIONS.—

(5) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

(2) An application must be submitted in accordance with regulations and procedures prescribed by the Secretary;

(3) No grant may be awarded—

(A) unless the grantee has agreed to assume, after completion of the project for which the grant is awarded, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(B) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

(4) Except as permitted by other law, the State share of the costs referred to in paragraph (3) of this subsection shall be contributed by non-Federal sources.

(5) Notwithstanding any other law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1986.

(6) The Secretary shall make funding available as soon as practicable after execution of a grant agreement.

(7) The total administrative costs, direct and indirect, charged for carrying out projects and programs may not exceed 25 percent of the aggregate costs.

(8) The amount of funds expended on federal projects shall not exceed 20 percent of the amount appropriated annually under this Act for the Fund.

(h) REVIEW OF PROPOSALS.—

(1) COMMITTEE RECOMMENDATIONS.—The Committee established under section 7 of this Act shall review the grant proposals and make recommendations to the Secretary as to which projects should receive funding.

(2) SECRETARIAL APPROVAL.—Within 120 days of the deadline for submission, the Secretary shall approve applications for grants under this subsection recommended by the Committee if the Secretary is satisfied that—

(A) the applicant has the requisite technical and financial capability to carry out the project; and

(B) the project adequately implements the objectives of the Act and will comply with subsection (g) of this section.

(i) WAIVER.—The Secretary may waive the requirements of this section for any grant under this Act.

SECTION 6. CONVEYANCE OF NDRF VESSEL FOR SCRAPPING BY NATIONAL MARITIME TRUST

(a) VESSEL CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey to the National Maritime Trust, without consideration, all right, title, and interest of the United States Government in each vessel which—

(A) is in the National Defense Reserve Fleet on the date of the enactment of this section;

(B) has no usefulness to the Government; and

(C) is scheduled to be scrapped.

(2) CONDITION.—As a condition of conveying a vessel to the National Maritime Trust pursuant to this section, the Secretary shall require that the National Maritime Trust enter into an agreement with the Secretary which requires that the National Maritime Trust—

(A) sell the vessel for scrap purposes;

(B) use the proceeds of that scrapping for expenses directly related to the purposes of this Act; and

(C) comply with any other conditions the Secretary considers appropriate.

(b) DELIVERY.—The Secretary shall deliver a vessel conveyed under this section to the National Maritime Trust—

(1) at the place where the vessel is located on the date of the approval of the conveyance;

(2) in its condition on that date; and

(3) without cost to the Government.

(c) MINIMUM VESSEL SALE.—The National Maritime Trust shall sell a sufficient quantity of vessels annually to ensure that the amount derived is not less than $5,000,000 for each fiscal year beginning in fiscal year 1994 and ending in fiscal year 2000, and amounts as may be required thereafter.

(d) TREATMENT OF AMOUNTS AVAILABLE TO THE TRUST.—Amounts available to, or used by, the National Maritime Trust pursuant to this subsection shall not be considered in any determination of the amounts available to the Department of the Interior.

(e) ADMINISTRATIVE EXPENDITURES.—

(1) MINIMUM AMOUNTS.—Not more than 15 percent or $250,000, whichever is greater, of the amount derived under this section in any fiscal year may be used for administering the program under the cooperative agreement executed under Section 5 of this Act.

(2) ALLOCATION.—Of the amount used for administering the program in any fiscal year, two-thirds shall be allocated to the National Maritime Trust and one-third allocated to the National Park Service.

(f) DISBURSEMENT CRITERIA.—In expending the funds derived under this section, the Secretary shall give due consideration to the following factors:

(1) the national significance of a project;

(2) its maritime historical and educational value to the community;

(3) the imminence of its destruction or loss; and

(4) the expressed intentions of the donor.

SECTION 7. MARITIME HERITAGE PROGRAM GRANTS COMMITTEE.

(a) ESTABLISHMENT.—There is established a Maritime Heritage Grants Committee.

(b) MEMBERSHIP.—Within 120 days of enactment of this Act, and biennially thereafter, the Secretary shall appoint the members of the Committee. The Committee shall consist of 11 members representing various sectors of the maritime community who are knowledgeable and experienced in maritime heritage and preservation, and showing regional geographic balance, as follows:

(1) one representative from the field of small craft preservation;

(2) one representative from the field of large vessel preservation;

(3) one representative from the field of sail training;

(4) one representative from the field of architecture;

(5) one representative from the field of underwater archeology;

(6) one representative from the field of lighthouse preservation;

(7) one representative from the field of maritime education;

(8) one representative having a military naval history background.

(9) one representative from a maritime museum or maritime historical society; and

(10) two representatives from the general public.

(f) DUTIES OF THE COMMITTEE.—The duties of the Committee include—

(1) providing oversight of the grants program on a continuing basis;

(2) reviewing grant proposals;

(3) making funding recommendations to the Secretary;

(4) identifying and advising the Secretary regarding priorities for achieving the purposes of the Act;

(5) reviewing the National Maritime Trust's annual grants report to the Secretary; and

(6) performing any other duties as the Secretary deems appropriate.

(g) REPORT.—The Committee shall submit annually a comprehensive report of its activities and the results of its studies to the Secretary and Congress and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Committee, are necessary and appropriate to carry out its recommendations and shall provide the Committee's assessment of current and emerging problems in the field of maritime historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act.

(h) QUORUM.—Seven members of the Committee shall constitute a quorum.

(i) APPOINTMENTS PROCESS.—

(1) DUTIES OF THE SECRETARY.—The Secretary shall—

(A) publicize annually in the Federal Register a call for nominations with a statement that the applications for nomination shall be submitted to the National Maritime Trust;

(B) make the appointments to the Committee giving due consideration to the recommendations of the National Maritime Trust; and

(C) designate a Chairman and a Vice Chairman, from the members appointed under this section. The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(2) DUTIES OF THE NATIONAL MARITIME TRUST.—The National Maritime Trust shall—

(A) widely publicize the call for nominations in its newsletter and by any other appropriate means;

(B) collect nominations and categorize the nominations as set forth in subsection (b); and

(C) submit the nominations to the Secretary with recommendations as to appointments by category as set forth in subsection (b).

(3) TERMS OF APPOINTMENTS.—The members of the Committee shall be appointed for staggered terms of not more than three years. If a vacancy occurs, the Secretary shall appoint a replacement for the balance of the vacated term within 60 days.

(j) GOVERNMENT REPRESENTATIVES.—There shall be non-voting government representatives appointed to serve as advisors to the Committee as follows—

(1) at least one representative from the National Maritime Initiative of the National Park Service;

(2) one representative each from the Department of Transportation, Department of Navy, and the National Oceanographic and Atmospheric Administration; and

(3) other representatives from interested government agencies as the Secretary deems appropriate.

(k) COMMITTEE INDEPENDENCE.—No officer or agency of the United States shall have any authority to require the Committee to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of recommendations, testimony, or comments to Congress. In instances in which the Committee voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Committee shall include a description of those actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

(l) SECRETARIAL ASSISTANCE.—To assist the Committee in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Committee detailing the significance of any maritime historic resource, describing the effects of any proposed undertaking on the affected resource, and recommending measures to avoid, minimize, or mitigate adverse effects.

(m) COMPENSATION.—A member of the Committee who is not an officer or employee of the United States shall serve without pay, and a member of the Committee who is an officer or employee of the United States shall receive no additional pay, on account of the member's service on the Committee. While away from home or regular place of business in the performance of service for the Committee, a member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the government service is allowed expenses under section 5703 of title 5, United States Code.

(n) FACA EXEMPTION.—The Committee is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770).

SEC. 8. INTERIM PROJECTS.

(a) DETERMINATION BY COMMITTEE.—Within six months of the date of enactment of this Act, the Committee, in consultation with the Secretary, shall determine if any projects exist that meet the criteria under subsection (d) of this section.

(b) DESIGNATION BY SECRETARY.—The Secretary shall designate those projects determined qualified under subsection (a) of this section to receive a grant prior to issuance of the implementing regulations.

(c) ISSUANCE OF GRANTS.—Upon scrapping of a vessel under section 6 of this Act, the Secretary shall disburse funds derived under that section to those projects designated in subsection (b) of this section in the amounts approved in the grant for each project.

(d) INTERIM CRITERIA.—To qualify for an interim grant, a grantee must meet the criteria under Section 5(e) of this Act and—

(1) be a 501(c)(3) organization;

(2) demonstrate that the project needs accelerated consideration to contribute to a significant national event relating to the maritime heritage of the United States;

(3) establish that one-half of the matching funds are in cash;

(4) demonstrate that the project for which funding is sought is national in scope and educational in nature; and

(5) show that the proposed project is supported by a broad-based membership program or group of donors.

SECTION 9. AUDITS OF ACCOUNTS.

(a) INDEPENDENT AUDIT.—The accounts of the National Maritime Trust shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a state or other political subdivision of the United States. The audits shall be conducted at a place or places where the accounts of the organization are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Alliance and necessary to facilitate the audits, and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians, shall be afforded to that person or persons. The report of this independent audit shall be included in the report to Congress required by Section 3 of this Act.

(b) GENERAL ACCOUNTING OFFICE AUDIT.—The financial transactions of the National Maritime Trust for each fiscal year may be audited by the General Accounting Office in accordance with the principles and procedures and under rules and regulations as may be prescribed by the Comptroller General of the United States. Any audit shall be conducted at the place or places where accounts of the organization are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files, and all other papers, things, or property belonging to or in use by the Alliance, pertaining to its financial transactions and necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All books, accounts, records, reports, files, papers, and property of the organization shall remain in the possession and custody of the organization.

SECTION 10. DEFINITIONS.

(1) "Committee" means the Maritime Heritage Grants Committee established under section 5.

(2) "Secretary" means the Secretary of the Interior.

SECTION 11. REGULATIONS.

The Secretary, after consultation with the maritime community, shall promulgate regulations within 1 year of the date of enactment of this Act to establish terms of office for committee membership, granting priorities, the method of solicitation and review of grant proposals, criteria for review of grant proposals, administrative requirements, reporting and record keeping requirements, and any other requirements as the Secretary deems appropriate.

TRIBUTE TO TROOPER JAMES R. WISNIEWSKI ON THE OCCASION OF HIS RETIREMENT AFTER 25 YEARS OF SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Trooper James R. Wisniewski from the Michigan State Police after 25 years of service to the citizens of the State of Michigan.

Trooper Wisniewski was a graduate of St. Stanislaus High School in 1961 and attended Delta College. He enlisted in the State Police in 1968, and after graduating from the state police academy, he was assigned as a trooper to the Paw Paw Post and later served at posts in White Pigeon, Detroit Freeway and in Bay City.

In addition to his police duties, Trooper Wisniewski has also taught at the M.L.E.O.T.C. Basic Police School held at the Delta College for over 15 years as a physical training instructor. Lt. Mel Owens, Bay City post commander, has stated that Wisniewski has always been extremely competent and very knowledgeable about the job.

Trooper Wisniewski has been married for 10 years to his wife, Sandra. They have two sons, Derek, age 22, and Damon, age 20, who live in Arizona. He also has two stepsons, Daniel Villaire, age 19, and Matthew, age 15. Emil and Frances Wisniewski of Bay City are his parents.

Mr. Speaker, I would like to congratulate Trooper Wisniewski for his many accomplishments and a job well done. As a citizen of Michigan I would like to take this opportunity to thank him for his many years of service and to wish a very happy retirement.

A VOICE OF REASON ON CITIZENSHIP REFORM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GALLEGLY. Mr. Speaker, there has been a lot of misinformation circulated about my proposal to amend the Constitution to reform our citizenship policies as part of my package of bills to address the crisis of illegal immigration.

This proposal would simply remove the loophole in our citizenship laws that a growing number of illegal aliens are taking advantage of—coming to our Nation to give birth here, often at taxpayer expense, which automatically

confers American citizenship on the child. By doing so, the child is eligible for every American benefit program, and when he or she turns 21, he or she can bring his or her immediate family into the United States or legalize them if they're here already.

I would argue that this growing problem is not what the authors of the 14th amendment had in mind when they enacted the amendment to overturn the infamous Dred Scott decision and grant freed slaves the full rights of citizenship. By requiring that the mother be a legal resident or citizen of the United States my proposal would not deny citizenship to anyone legally entitled to it, but it would close this loophole that a growing number of women from abroad are knowingly taking advantage of.

For example, a recent study in San Diego County, CA, found that nearly 25 percent of the women who crossed the border to give birth in the United States cited citizenship as a main reason they did so. Furthermore, three-quarters of these border crossers said they would make sure to have their future babies delivered in the United States so those children could have the blessings of U.S. citizenship.

Mr. Speaker, one newspaper columnist who for years has been speaking out eloquently on the issue of illegal immigration is Richard Estrada of the Dallas Morning News. He recently wrote a column, also published in the Daily News of Los Angeles and the Santa Barbara News Press, which makes the case for reforming our citizenship laws in a powerful way. I ask permission to include Mr. Estrada's column in the RECORD, and urge my colleagues to carefully consider what he writes.

[From the Daily News, Sept. 7, 1993]

BIRTHRIGHT CITIZENSHIP MUST BE ENDED

EDINBURG, TX.—The Lower Rio Grande Valley is as impoverished as America gets, but for Mexican mothers seeking citizenship for their infants, even the tiniest hamlet can be Emerald City itself.

Though data are hard to come by, local health experts believe the number of Mexican mothers giving birth on the U.S. side is growing. In nearby, Hidalgo, Texas, privately operated maternity clinics featuring "parteras," or midwives, are evident just a few blocks from Reynosa, Mexico.

But when Mexican mothers in labor began showing up at private hospitals, caregivers were forced to shift nonreimbursed costs attendant to Mexican births onto paying consumers, health officials say.

As more births brought more liability costs, private hospitals ultimately refused to perform any deliveries as a matter of policy. Meanwhile, at least one Mexican doctor in the area reportedly earned $100,000 a year from his midwife practice in Texas.

Elsewhere in Texas, El Paso County property taxpayers are annually obligated to absorb millions of dollars in Mexican maternity delivery costs at the R.E. Thomason General Hospital. Forty-two percent of the 15,000 infants delivered annually at Parkland Memorial Hospital in Dallas are Hispanic, with the majority of the parents believed to be undocumented. Two years ago, the figure was 30 percent.

In May, Frank D. Yturria, a businessman from Brownsville, Texas, published an op-ed feature attacking lawmakers not only for refusing to cut spending, but also for considering new spending projects. He cited a bill which eventually was voted down that called for public health centers he feared would actually become birthing centers.

"Don't you realize what will happen along our border when the word gets out that there are free birth centers in Texas?" wrote Yturria. "This will open up the floodgates to women who will rush across the border to give birth. Then, with an American-born child (at taxpayer expense) the next step is benefits such as free health care, food stamps and child care assistance."

Moreover, upon reaching age 21, the U.S.-born child of Mexican parents may sponsor the legal entry of close family members.

Yet perhaps because Texas' welfare benefits rank at or near the bottom nationwide or because some citizens and legal residents of Mexican descent may hesitate to come out against extending social services to friends and family from Mexico, the issue has not resonated here as elsewhere. Gov. Ann Richards expressed no particular concern over the impact of immigration at a public policy retreat in Aspen, Colo., in late August.

In California, however, where nearly two-thirds of all infants born in Los Angeles County public hospitals today are born to undocumented parents, Gov. Pete Wilson now advocates ending birthright citizenship.

As they contemplate migration pressures and the national interest, U.S. policy-makers are obligated to consider that today 100 million people reside in countries other than where they were born.

In particular, they should keep in mind that Mexico, the world's largest country of emigration, is increasing the number of working-age young people by nearly a million every year. Even with a free-trade pact, few experts believe Mexico's economy will be able to accommodate these new hands, at least not for several years.

Even against such a daunting backdrop, emergency care should not be denied to anyone in need, including the undocumented. But a line must be drawn somewhere. If everyone is a citizen, then no one is a citizen.

When newcomers are permitted to wrest citizenship and its benefits at will, the term citizen is destined to eventually lose all meaning, and national sovereignty will be eroded in the bargain.

In protecting the future of the nation itself then, Congress should pass a law stipulating that only in those cases where at least one parent is a citizen will an infant born on U.S. soil automatically be afforded citizenship. And if the Constitution itself must first be amended, then let the process begin.

CAPITOL FEDERAL SAVINGS AND LOAN ASSOCIATION COMMEMORATES HUNDREDTH ANNIVERSARY

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. SLATTERY. Mr. Speaker, on September 16, 1993, Capitol Federal Savings & Loan Association of Topeka KS, will recognize the 100th anniversary of its formation. For this reason, I would like to share with my colleagues information regarding the history of this important Kansas financial institution.

First known as the Savings and Loan Association of Topeka, Capitol Federal was founded on September 16, 1893, by 15 businessmen in Topeka to promote the habit of thrift and to encourage home ownership. The official charter was dated December 16, 1893, and paid-in capital totaled $3,000. Among the founders were bankers, insurance agents, attorneys, railroad employees, the president of a dry goods store, the Topeka City School Superintendent and a physician. They were: Major William Sims, president and director; E.L. Copeland, vice president and director; Charles S. Elliott, secretary and director; William Macferran, treasurer and director; P.H. Forbes, attorney and director; C.G. Blakely, accountant and director; Charles F. Menninger, M.D., director; W.E. Halm, director; F.D. Fuller, director; H.A. Heath, director; F.E. Carringer, director; William Mitchell; and F.F. Dennis.

By 1894, the association had grown to assets of $8,000. In 1899, with assets nearing $270,000, the association's name was changed to the Capitol Building and Loan Association. Twenty-five years after its founding, in 1918, assets totaled $3 million.

In 1924, the home office building at 534 Kansas was completed, which proved to be an architectural landmark in the Midwest. In 1932, the Federal Home Loan Bank System was organized and Capitol Federal became a member. By March, 1933, assets had grown to $10 million when the bank holiday was declared and 11 banks closed their doors for one week by Presidential order. Although the Depression years hit hard, Capitol Federal never had to close its doors. In 1938, it adopted a Federal charter and its accounts were automatically insured by the Federal Savings and Loan Insurance Corporation or FSLIC. Accordingly, the name was changed to the present one—Capitol Federal Savings and Loan Association.

By 1941, assets had dropped to $4,600,000 and Henry A. Bubb was named the new president. He was given the task of rebuilding Capitol Federal's assets and of leading the association through four difficult war years. With Mr. Bubb's leadership, Capitol Federal sold more war bonds than any other financial institution in Kansas. The 50th anniversary saw assets of only $5.8 million, but a significant backlog for housing and the demand and need for broader financial services had resulted from the war and Henry Bubb was there to set the pace and lead the way. By the close of the 1940s, Capitol Federal assets had grown to $19,600,000.

Mr. Bubb's dynamic leadership within Capitol Federal and for the savings and loan business nationally is a biography of its own. In 1950, he served as president of the national trade organization for savings and loan associations, now known as the U.S. League of Savings Institutions. Recognized for his political expertise, he helped to found the league's Washington office and then served as the league's first legislative chairman for 9 years beginning in 1955. He was conferred the title of Distinguished Fellow by the International Union of Building Societies and Savings Associations in 1971, an honor then held by only one other American, President Herbert Hoover.

The fifties and sixties represented the expansion years for Capitol Federal as services were made available to a broad customer base throughout northeast Kansas. In October, 1950, Capitol Federal brought about a

new dimension in the financial business by establishing one of the first branch offices for savings and loan associations at 1201 Topeka Boulevard in Topeka. In March 1954, a boiler explosion rocked the branch office causing great damage to the facility. The explosion blew out windows and left 10 inches of water in the basement due to a broken water pipe. Because it occurred at 12:30 a.m., no one was injured. Records were not destroyed and service was not interrupted as customers were sent to the home office. It was not long before the office was remodeled to look as it does today.

A second branch office was constructed in Lawrence in 1953. In 1954, a branch office opened at 5600 Johnson Drive in Mission, KS, and a new building was constructed at 5251 Johnson Drive in 1955. This expansion took place in part of a fast growing area in the southwest quadrant of the Kansas City metropolitan area.

A milestone was reached in 1958 when Capitol Federal achieved the $100 million mark. In 1961, the construction of the new Home Office building at 700 Kansas was completed. Another branch office was opened in 1962 in Johnson County at 95th and Nall. By that time assets has reached $200 million and Capitol Federal became the largest financial institution in Kansas, a position it did not relinquish until the mid-eighties when the Kansas Legislature authorized multi-bank holding companies and the first major regional commercial banking center was formed. A third Johnson County office opened in 1963 at the Meadow Lake Shopping Center, 76th Terrace and State Line, allowing some penetration into the Kansas City, MO, market. In 1964, the Fairlawn office was added in Topeka at 21st and Fairlawn to serve the expanding southwest area of the city.

A Capitol Federal First was accomplished in October 1964, when $300 million in assets was reached. Capitol Federal was the first financial institution in the four-state district of the Federal Home Loan Bank of Topeka to achieve this distinction.

During its 75th year, 1968, Capitol Federal grew to $400 million in assets. In that same year, Capitol Federal opened its Santa Fe office at 87th and Santa Fe in Overland Park, and construction was begun on the new four-story Johnson County Headquarters at 95th and Nall, replacing the original one-story office built in 1962. In 1969, John C. Dicus was named president, with Mr. Bubb remaining as chairman of the board and chief executive officer.

The Seventies saw Capitol Federal move ahead as emphasis shifted to earnings and to improved customer services throughout an effective branch system established during the previous two decades. In December 1971, Capitol Federal moved west of Topeka and opened its branch office at 14th and Poyntz in Manhattan. In April 1971, Capitol Federal reached the great milestone of one-half billion dollars in assets. Continued growth was the pattern during 1972 as a fifth branch office in Johnson County opened in November at 5700 Nieman Road. Conversion was made to an on-line data processing computer system in 1972.

In October 1973, Capitol Federal purchased the Mutual Building and Loan Association of Emporia at 6th and Commercial, and in November, completed construction of its sixth Greater Kansas City office at Santa Fe and Burch in Olathe. The year 1974 saw the opening of a second office in Lawrence and the remodeling of the Emporia office. Late in the year, Capitol Federal introduced its new PASSCARD System as the association moved into the electronic funds transfer era with its plastic card/statement savings account. As Capitol Federal grew during 1975 so did its PASSCARD System which began offering Money*Matic in four supermarket locations, allowing customers access to their accounts away from our offices.

Construction began in 1975 on a new office in the Mid-State Mall in Salina. In 1976, five more Money*Matic locations had been added and plans were being made to expand the system even further. In June 1977, Capitol Federal was very proud to reach the $1 billion mark, and in 1978, its P.S.* Telephone Bill Payment Service began—the first in Kansas.

January, 1980, saw the installation of six IBM 3624 Automated Teller Machines [ATMs] or passcard centers in the Johnson County offices. FSLIC insurance on accounts rose to $100,000 per account. In July 1980, Capitol Federal celebrated the opening of its first Wichita office at 8040 East Douglas, bringing total association locations to 17 and the opening of a new market area to Capitol Federal.

Deregulation in the 1980's brought tremendous change for the savings and loan business and for Capitol Federal. On January 1, 1981, Capitol Federal introduced NOW Accounts—checking plus interest—to its customers. This was the forerunner to the present personal checking accounts. The greatest impact of deregulation came from the money market deposit account which allowed all financial institutions to compete unregulated to consumer deposits. Home owners became familiar with such terms as RRM's [Renegotiable Rate Mortgage] and ARM's [Adjustable Rate Mortgage]. In the summer and fall of 1981, Capitol Federal opened its two new offices at 10101 College Boulevard in Overland Park and 29th and Wanamaker Road in Topeka. 1981 also was the year for the development of the new consumer loan department. The cash fund account made its debut in December 1982.

In June 1983, Southwest Federal Savings of Wichita merged into Capitol Federal. This merger brought two more offices into Capitol Federal, the Wichita downtown office, then located at 130 North Market, and the West Wichita office at 4030 West Maple. ATM's were added to these two offices, bringing the total number of ATM's to 16. As of September 1983, assets totaled over $1.9 billion. 1984 began with the opening of the 27th Money*Matic location at Kansas University, its third.

In July 1984, as part of the association's overall plan to be a full family financial center, EXECULINE home equity loans were introduced. In 1985 President Dicus announced the development of a corporate business plan for Capitol Federal. Because of the economic environment, Mr. Dicus saw the need for a plan. He stated, We cannot assume that our growth is automatically secure for the future.

In January 1986, Capitol Federal opened an auto-teller facility at the 87th and Santa Fe office, increasing the auto-teller lanes to four and ATMs to two. In June, 1986, it celebrated Mr. Bubb's 60th anniversary with Capitol Federal.

In January 1988, the newly completed East Olathe office at 2100 East 151st in Olathe held its grand opening. In the fall of 1988, Capitol Federal moved the association's downtown Wichita office to the Centre City Plaza, 151 North Main. In November, the association opened its 22d office at 10404 West Central in Wichita. On December 1, 1988, Capitol Federal and Bank IV Wichita, N.A., activated an electronic connection between VIA and Passcard, extending ATM service and convenience to all VIA and Capitol Federal customers 24 hours a day. This agreement also opened more than 20,000 [now 30,000] PLUS System* ATM locations throughout the world to Capitol Federal customers. On December 31, Capitol Federal ended its Money*Matic service.

On Tuesday, January 10, 1989, Capitol Federal mourned the death of its longtime chairman, Henry A. Bubb. For more than 62 years, Mr. Bubb devoted his life to Capitol Federal Savings, and his impact on the association and the savings and loan business cannot be expressed in words. His commitment to strength, safety, and the basic values helped Capitol Federal survive the FSLIC crisis. His dynamic, progressive leadership helped to make Capitol Federal the strong institution it is today.

President John C. Dicus was named chairman and chief executive officer on January 17, 1989, continuing the tradition of strong leadership begun so many years ago. Chairman Dicus and other members of senior management had been well trained by Mr. Bubb to continue Capitol Federal's all-important tradition of strength and safety. In the words of Director Robert B. Maupin, "Jack's background and ability allowed for a smooth transition in leadership following Henry's death, with no loss of efficiency and productivity during that period of change."

During the 1980's, banks and savings and loans suffered from extremely high inflation rates, the trauma of deregulation and instability in some sections of the economy that resulted in the failure of numerous institutions. While other financial institutions elected to engage in many new and exciting ventures, Capitol Federal chose to follow a conservative business plan. Building on strong earnings and capital, Capitol Federal remained family oriented with more than 90 percent of loans to single-family home buyers, the savings and loan industry's traditional niche of borrowers. Several articles throughout the 1980's praised Capitol Federal for its commitment to strength and safety and for standing by its basic beliefs. In June 1989, Capitol Federal was among five savings institutions described as "roses who have weathered the storm" in the issue of Savings Institutions, a publication of the U.S. League of Savings Institutions.

In May 1990, two Capitol Federal ATM's opened—one in downtown Lawrence and a new drive-up facility at the College Boulevard office. Capitol Federal received final approval for its application for money from the Federal Home Loan Bank's Affordable Housing Program and began accepting applications for the

program on November 1. Capitol Federal has worked to assure affordable housing through civic and charitable organizations such as the United Way and American Cancer Society, housing related organizations such as The Kelly House, Mennonite Housing, Cornerstone, and its own affordable housing programs.

Capitol Federal acquired the Mid Kansas Savings and Loan Association Wichita branch at 4000 East Harry at the close of business on February 15, 1991.

In September 1992, the Wichita downtown location transferred to 301 North Main, Epic Center. With this move, the administrative and human resources departments, which had been located at the 8040 East Douglas office, now became headquartered on the fourth floor of the downtown office. A retail office and an ATM are located on the first floor.

Five years (1987–1992) of depressed savings and loan operations and adverse publicity for the thrift business actually resulted in the best of years for Capitol Federal. Both assets and deposits grew by more than 50 percent during the period. Capital of nearly $400 million and capital ratio of 10 percent positioned Capitol Federal for success and prosperity to the year 2000 and beyond. In 1992, assets surpassed the $3.9 billion mark and a new record for annual earnings was established.

Traditional thrifts continue to be successful and remained committed to core retail deposits and residential lending—both trademarks at Capitol Federal. These institutions followed a low risk game plan that maximized the chances for survival and longer term prosperity.

On the threshold of its second century, Capitol Federal has grown from an association of $3,000 in assets in 1893 to one of almost $4 billion in 1993. Current deposits are at $3.4 billion and mortgage loans total $3 billion. With capital of $438 million [11.09 percent of assets], Capitol Federal grows and prospers today as a strong financial institution maintaining its healthy capital position well above industry averages and greater than the new minimum standards established by the Office of Thrift Supervision [OTS] to assure the safety and soundness of the entire thrift business.

Capitol Federal Savings and Loan Association of Topeka, 1993 board of directors: J.H. Abrahams, advisory director; B.B. Andersen; John B. Dicus, executive vice president; John C. Dicus, chairman and president; Robert B. Maupin, retired senior executive vice president; Carl W. Quarnstrom; Frederick P. Reynolds; and Marilyn Ward.

RAPID CITY TEAM WINS AMERICAN LEGION WORLD SERIES

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. JOHNSON of South Dakota. Mr. Speaker, last month in Oregon an exciting event occurred, about which I want to inform my colleagues. The baseball team from American Legion Post 22 in Rapid City, SD, won the American Legion World Series by defeating a team from Las Vegas, 7 to 4.

The American Legion World Series crown was a first for the Rapid City team, which was making its fourth trip to the series. Rapid City has consistently been home to some of the most outstanding Legion baseball in the Nation.

Rapid City had an overall 70 and 5 record this year, the second-best ever for any American Legion World Series team. It is especially appropriate that a South Dakota team won the series, since our State was the national birthplace of American Legion baseball in the 1920's.

Coaches of the Rapid City American Legion Post 22 baseball team are Dave Ploof, Steve Wolff, Carl Stonecipher, Rich Downs, and Pete Melendez.

Players are Kent Holland, Ben Thomas, Ryan Hansen, Scott Dreller, Bill Freytag, Mark Ellis, Ryan Merritt, Brian Ogel, Nate Barns, Vic Sosa, John VanLoan, Jeff Grossman, Joel Fenske, John Gerlach, Scott Graybill, Jeff Snell, Gene Elder, and Shawn Dupris.

In addition to winning the World Series title, two Rapid City players earned individual honors. First baseman Ben Thomas won the George W. Rulon American Legion Player of the Year Award. Left fielder Ryan Merritt won the Louisville Slugger Batting Award with a .490 average—24–49—over 10 regional and World Series games.

CROATIA AND MFN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. HOYER. Mr. Speaker, as a Cochair of the Helsinki Commission I have followed closely the violent breakup of the former Yugoslavia in recent years, and the war in Bosnia and Herzegovina in particular. I have also been actively involved in the debate over what our policy response should be. Generally speaking, I think there is a general consensus here in Washington and around the world that the chief culprit in all of this is the Serbian leader, Slobodan Milosevic, and his henchmen, who have played on the concerns of the Serbian people to pursue and justify policies of aggression and genocide. No concerns can justify such policies, and Milosevic's government deserves the world's condemnation. Many of us have, in fact, called for more decisive action to thwart the aggression of Bosnian Serb forces, to provide relieve to the millions of innocent civilian victims, and to bring justice to that troubled region of Europe.

In recent months, however, we have seen the situation in Bosnia and Herzegovina become more desperate and complicated, given the unwillingness of the international community to take more decisive action, as I have repeatedly called for, to prevent that country's division along ethnic lines. One of the more troublesome aspects of this has been what appears to be the abandonment of Bosnia's defense by once allied Croat forces, who now are making their own land grab around Mostar and in central Bosnia. Reports of atrocities by these forces have accompanied this news, including gruesome detention camps, the forced displacement of thousands of Moslem Slavs from regions under Croat control, and repeated obstacles in the way of delivering humanitarian relief.

Because of these policies and atrocities, and the Croatian Government's apparent influence over and support for the Croat forces involved, I am compelled to support legislation introduced by my distinguished colleague, Mr. WOLF, to deny most-favored-nation [MFN] trade status to Croatia. I think that Mr. WOLF, who is also a member of the Helsinki Commission and has been active on Yugoslav issues, shares the regret I feel in calling for this action, which, though far from being severe, sends a much needed signal of United States dismay over Croatia's current involvement in the ongoing conflict in Bosnia and Herzegovina. We know that Croatia has also been a victim of Serb aggression, and that one-quarter or more of Croatia remains under the control of Serb militants. Indeed, I believe that Mr. WOLF traveled to Vukovar in 1991, during the course of tremendous and horrifying siege of that Croatian town. We also know of Croatia's assistance to the hundreds of thousands civilians fleeing the war in neighboring Bosnia and Herzegovina.

Despite these facts, and in some ways perhaps because of them, we cannot stand idly by as Croatia gambles its own future for opportunistic territorial gains which violate Helsinki principles. To put it simply: it is absolutely impossible for me to accept the notion that innocent civilians should pay the price for failed diplomacy, power politics or terrible atrocities committed by others. Croatia must also realize that its current involvement in the carve-up of Bosnia and Herzegovina is not in its interests; it will not help it regain its own territories which are currently—and wrongfully—controlled by Serb militants. As Croatia tries to retake this territory on its own, in light of the United Nations failure to get the Serb militants to implement the agreed plan, how much easier it will be for the international community to abandon Croatia's territorial integrity as Croatia violates the territorial integrity of its neighbor.

Mr. Speaker, many Croatian citizens have also criticized their government's nationalist policies. They are no less proud of their country or their national heritage, and insist as strongly as anyone on the preservation of Croatia's territorial integrity. They include not only political personalities but religious leaders and many among the general population.

Before supporting this legislation, Senator DENNIS DECONCINI and I, as the Helsinki Commission's Cochairs, wrote to Croatian President Tudjman to inform him of our concerns and the need for Croatia to act regarding these concerns. We did get a written response from the President's office, which I would like to include in the RECORD, but the response failed to address the human tragedy on the ground, with the Moslems in and around Mostar facing a particularly desperate situation and the revelation of Croat-run detention camps.

Mr. Speaker, Croatia still has time to demonstrate that it will respect Helsinki's principles in regard to Bosnia and Herzegovina. Let me also say that we should remain prepared to lift any suspension of MFN for Croatia that is enacted if such a demonstration occurs. Finally,

let me make it clear that this is a small, and, in many ways, largely a symbolic step to put the Croatian Government on notice. It is nothing compared to the sanctions that have been placed on Serbia and other pariah countries around the world. If, however, we do not see more efforts from Zagreb that lead to more cooperative action by Croat forces on the ground, or if we see a further deterioration in Croatia's performance, we should be prepared to consider further measures. I hope that this will not become necessary, and that Croatia's political leaders recommit themselves and their country to respecting the rights of their citizens and of other states. The announcement of an agreement in Geneva between Croatian President Tudjman and Bosnian President Izetbegovic yesterday is a very positive step in this direction, and we should watch closely for the implementation of this agreement as a determinant of how to proceed with this legislation.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, DC, August 13, 1993.

His Excellency FRANJO TUDJMAN,
President of the Republic of Croatia, Zagreb, Croatia.

DEAR PRESIDENT TUDJMAN: Recent actions by Croat forces in Bosnia-Herzegovina are creating grave concern among many U.S. Government officials that Croatia is attempting to gain territory at the expense of its neighbor. As strong supporters of Croatia's sovereignty and territorial integrity, we are appalled at the attack by Croat forces upon another state's sovereignty.

We are well aware of the fact that the people of Croatia have also been victims of Serb aggression and we have consistently spoken out against this aggression. We have also urged that the international community do much more to help alleviate Croatia's very serious refugee burden.

In recent months, however, we have seen Croatia, through Croat forces under its control or influence assist in the carve-up of neighboring Bosnia-Herzegovina. Such blatant opportunism is completely unacceptable. And so we must unequivocally condemn the raping of individuals as a war crime, the ethnic cleansing of Mostar and other regions of their Muslim population as crimes against humanity, and the repeated interruption of the delivery of humanitarian assistance by Bosnian Croat forces as war against unarmed civilians. Similar acts by Serbs and Muslims must also be condemned, regardless of whether their motivation is aggression, opportunism or desperation, but the atrocities of one are not vindicated by those of the others.

In response to current developments, legislation has been introduced in Congress to terminate Most-Favored-Nation (MFN) trading status for Croatia. This proposal will likely be taken up once the Congress returns from its August recess. Unless steps are taken by the Croatian government to halt its reprehensible policies regarding Bosnia-Herzegovina, we will be left with little other choice then to support and actively seek the adoption of this legislation.

Recently, the Helsinki Commission organized an open appeal to U.S. President Clinton, calling for a lifting of the siege on Sarajevo. While six of the seven points we suggested to the President focused on need to stop the Bosnian Serb strangulation of that city, the last point requested that President Clinton warn directly "the Government of Croatia and the forces in Bosnia-Herzegovina under its control or influence to cooperate fully with humanitarian relief efforts as well or face consequences commensurate with the problems they cause." This letter was signed by 13 Senators and 76 Representatives of the United States Congress. Among those signatories are strong supporters of Croatia in the past, including some who visited Vukovar and other Croatian cities during the terrible Serb onslaught.

Croatia cannot afford to continue its current course for reasons beyond losing MFN status. This course will certainly deny Croatia the economic assistance it needs to recover from the violent collapse of the Yugoslav federation. It will also undermine Croatia's call for the restoration of its occupied territory when Croatia itself has failed to respect the territorial integrity of Bosnia-Herzegovina.

Mr. President, we respectfully urge you, in the strongest possible terms, to consider the consequences of your government's current policies regarding Bosnia-Herzegovina, and to take immediate steps to reverse them in keeping with Croatia's international commitments and obligations.

Sincerely,

DENNIS DECONCINI,
Chairman.
STENY H. HOYER,
Co-Chairman.

REPUBLIKA HRVATSKA,
Zagreb, September 10, 1993.

Hon. DENNIS DECONCINI,
Chairman, Commission on Cooperation and Security in Europe, Ford House Office Building, Washington, DC.

DEAR SENATOR DECONCINI: President Tudjman received your recent correspondence and asked me to reply on his behalf. The President thanks you for the letter and appreciates the forthright manner in which you present you concerns.

We are aware of the legislation introduced by Rep. Frank Wolf (R–VA) to repeal Croatia's most-favored nation trading status and have instructed our Ambassador to open a dialogue with Mr. Wolf. While such initiatives are troubling and warrant considerable attention, we cannot help but feel that Croatia is unjustly becoming the focus of America's dismay with events in Bosnia and Herzegovina. As you have pointed out, components of each of the three factions have engaged in activities which are inexcusable, even in times of war. The President thinks it is important to note, that the Government of Croatia has and continues to maintain that all war criminals—Serbs, Muslim, or Croat—should be brought to trial and held responsible for their actions. Yet, the international community continues to combat Serb aggression with mere rhetorical condemnation and some of your colleagues are prepared to lift the arms embargo on the Government of Bosnia and Herzegovina despite recent reports of Muslim atrocities committed against Bosnian Croat civilians.

In the past several months, the Republic of Croatia has been accused of colluding with Serbia to dismember the Bosnian state and "ethnically cleanse" its Muslim citizens. We must emphasize that it is not now nor has it ever been the desire of the Republic of Croatia to facilitate the demise of Bosnia and Herzegovina. The President has made explicit public statements that all and any accusations concerning the existence of a secret agreement on the partition of Bosnia-Herzegovina between Croatia and Serbia are groundless.

There is no doubt about the fact that the fundamental cause of the current dramatic state of affairs in Bosnia-Herzegovina is Serbian aggression and the implementation of ethnic cleansing. Due to their pronounced military superiority, the Serbs have conquered about 70 percent of the territory of Bosnia-Herzegovina, the Croats have succeeded in defending about 20 percent, while the Muslims currently control only 10 percent. This has brought about unprecedented expulsions of the Croat and Muslim populations from the areas taken by Serbian forces. As a considerable part of the Muslim population found refuge in the defended Croatian areas, and as Izetbegovic's Muslim leadership focused its attention increasingly on assuming control over these areas, former relations were disrupted, and tension has grown between the Croat and Muslim ethnic communities.

The current aggression by the Muslims against the Croatian population and the conquest of envisaged for the Croatian Republic of Herceg-Bosna resulted in ethnic cleansing and atrocities comparable to those committed by the Serbian aggressor. The present Muslim aggression against Croatian areas has been waged by the Army of Bosnia-Herzegovina, i.e. Muslim armed forces controlled by Izetbegovic, with the involvement of extremist Mujahadin volunteers from some Islamic countries.

One should immediately put an end to Muslim aggression, which presently has approximately 200,000 Croats under siege in four enclaves in Central Bosnia, and bring influence to bear upon Mr. Alija Izetbegovic to agree to the cessation of hostilities and to the continuation of negotiations without further delay. We see the only solution in the proposal put forward by the Co-Chairmen Lord Owen and Mr. Stoltenberg after several months of negotiations, i.e., the Union of republics of Bosnia-Hezegovina. However, the proposal should provide for such a delimitation within the proposed Union which would safeguard, from the Croatian standpoint, the existence of the Croatian people in Bosnia and Herzegovina, but also the strategic interest of the Croatian State and of the Croatian people as a whole, and these are, in our firm behalf, the interests of the West as well.

We are bringing our influence to bear on the Croatian side in Bosnia and Herzegovina to accept the proposed solutions, and are similarly urging the immediate and complete observance of international humanitarian law. The recent UNHCR allegations of Bosnian Croat forces mistreating Muslin prisoners of war is of a grave concern to the Government of Croatia and President Tudjman has written Mate Boban (enclosed) expressing the Government of Croatia's insistence that the Croatian Republic of Herceg-Bosia comply with all faces of international law and human rights.

Obviously, the Government of the Republic of Croatia can only be held responsible for actions upon its own territory, and not for everything that is taking place in Bosnia and Herzegovina, because the Croats in Bosnia, and Herzegovina retain a degree of independence in their relations with the Muslims and Serbs in consideration of current circumstances in Bosnia and Herzegovina.

You have been a strong supporter of Croatian independence and are recognized as having sincere concerns for the future of Croatia and its people. For economic, political and psychological reasons, Croatia must seek support for a prompt resolution of its problem, the reintegration within its constitutional and legal system of the still occupied one quarter of its territory currently

under the protection of UN peacakeeping forces, in accordance with the Vance Plan, UN Security Council resolutions, and the already enacted Constitutional Law and other regulations on the autonomy and rights of the Serbian minority. Let me assure you that the President and the Croatian Government will spare no efforts in order to achieve, as soon as possible, a political settlement of the Serbian question in Croatia, and normalization of relations among the new states that have emerged in the area of the former Yugoslavia, on the basis of mutual recognition, and in the interests of a stable international order in this part of the world.

Most respectfully yours,

DR. BRANIMIR JAKSIC,
Advisor to the President.

SEPTEMBER 8, 1993.

MATE BOBAN,
President of the Croatian Republic of Herzeg-Bosnia.

DEAR MR. PRESIDENT: I am writing to you and to all bodies of the Croation Community of Herzeg-Bosnia with a feeling of deep historic responsibility, at a time which is crucial for the existence and future of the Croatian people in the neighboring Bosnia-Herzegovina and for the future of Bosnia-Herzagovina as a state of three equal peoples. We have welcomed the proclamation of the Croatian Republic of Herzeg-Bosnia as an inevitable outcome of dismal and tragic events caused first by the Serbian and then the Muslim aggression, as an expression of the political will of the Croatian people in Croatian Republic of Herzeg-Bosnia and as a guarantee of its equality in all parts of an Integral and independent Bosnia-Herzegovina.

Taking this as a point of departure, I wish to most strongly reiterate my appeal to you and be guided in all your actions by the respect of human dignity, basic human values and rights and the strictest implementation of the international war and humanitarian law. The Serbian and then the Muslim aggression against the Croatian areas and this terrible war as a whole have caused intolerable suffering of innocent population, women, children, old and wounded people, prisoners and civilians in the besieged towns and villages. It is a duty of all the parties able to influence the situation to do their best to prevent or alleviate these sufferings. It is also a matter of one's own conscience, the conscience of one's people and an obligation in relation to the international public opinion.

That is why I strongly appeal to you to condemn any violations of the international war and humanitarian law and to take all necessary steps in the area of the Croatian Republic of Herzeg-Bosnia to ensure humane treatment of prisoners in accordance with the international humanitarian law and the Geneva conventions.

I also call upon you to allow free access of the International Committee of the Red Cross to the POW centers—wherever not yet done so—for unobstructed listing of POWs, their release or exchange in compliance with the all-for-all principle and the international conventions.

Reminding you of my earlier appeals to allow unimpeded passage of humanitarian convoys, I call upon you again not to tolerate any obstructions in the way of humanitarian supplies to all the needy and, for your part, to assist the international humanitarian organizations and UN in their humanitarian mission.

I also call upon all warring parties in Bosnia-Herzegovina to act in the same manner in order to finally put an end to the humanitarian nightmare pressing heavily on the civilian population of Bosnia-Herzegovina for two years now and to contribute thus to the peace process and efforts to find a just peace solution in the interest of all peoples in the area of the long-suffering Bosnia-Herzegovina, as well as in the interest of peace and stability in the region as a whole.

Yours faithfully,

DR. FRANJO TUDJMAN.

IN HONOR OF PARREN JAMES MITCHELL

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. COYNE. Mr. Speaker, I am pleased to have this opportunity to honor our former colleague, the Honorable Parren James Mitchell.

Parren Mitchell has long been a leader in promoting economic opportunity for all Americans, and has been a vocal champion of African-American business men and women who have struggled to become successful players in the American free enterprise system. This work has been a lifelong commitment of Parren Mitchell, before, during, and since his time as the first black Member of the U.S. House of Representatives from the State of Maryland.

When I was elected to the U.S. House of Representatives in 1980, I had the pleasure of serving with Parren Mitchell on the House Committee on Banking, Finance and Urban Affairs. Parren Mitchell shared generously with me his knowledge and experience of the many vital issues considered by that committee. He also helped me to gain a better understanding of how the various programs and agencies within the jurisdiction of the committee could be best managed to address the needs of urban America. I could always depend on Parren Mitchell to focus attention on the key question of how a particular program or regulation affected the daily lives of the men and women in our communities.

Parren Mitchell was a leader and strong advocate for the small business community as chairman of the House Committee on Small Business. He understood that small businesses are often the most vital engines for economic growth. Parren Mitchell also recognized and stressed to others the fact that the growth of minority-owned businesses was a vital part of efforts to empower African-Americans.

As chairman of the Committee on Small Business, Parren Mitchell worked to create openings for minority-owned businesses to participate in Federal contracts and public projects. Chairman Mitchell's work to ensure that minority-owned businesses had an opportunity to compete for a share of Federal contracts has played a vital role in the growth of African-American owned firms providing a broad range of goods and services to the Federal Government. I have seen first hand in my district the successful results of Parren Mitchell's efforts and I am pleased to report that Pittsburgh's African-American business community has emerged as an active player in our local economy.

Parren Mitchell has continued his work to promote opportunities for men and women in the African-American community since leaving the House in 1985. He has been a leader in stressing the need for African-Americans to play an active role in the U.S. economy and has worked with individuals and groups in the private sector to expand opportunities for African-American business men and women.

One of Parren Mitchell's most outstanding contributions to the goal of promoting opportunities for African-American business men and women has been his work with the Minority Business Enterprise Legal Defense and Education Fund [MBELDEF]. This organization was founded in 1980 by Parren Mitchell for the purpose of providing legal defense for minority business enterprises. MBELDEF is a national nonprofit public interest law firm and membership advocacy group which had been a vigilant defender of the rights of minority business men and women. MBELDEF was fought to eradicate racial and gender discrimination from the public and private sectors of the U.S. economy. The work done by this organization is helping to ensure that Parren Mitchell's legacy as an advocate for minority business opportunities will continue long into the future.

Mr. Speaker, I am thankful for the fact that I have served in the House with Parren Mitchell. I am pleased to join with my colleagues today in honoring Parren and want to wish him the very best as he continues his important work to expand economic opportunities for all Americans.

THE HONORABLE JOHN J. FOLEY, MAN OF THE YEAR

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to recognize and congratulate a fellow Long Islander, John J. Foley, who will be proclaimed Man of the Year by the Bayport-Blue Point Chamber of Commerce on September 22, 1993.

Born in New York City, John summered in Suffolk County since early childhood and moved to Brookhaven with his late wife, Mary, almost 50 years ago. A veteran of World War II, John began teaching history in 1947. He started his political career in 1958 with his election to his local school board. He has been serving the people of Suffolk County ever since, first as a Brookhaven town councilman and, since 1976, as a member of the Suffolk County Legislature.

Among his wide range of concerns are our children's welfare and education, the rights of the disabled, and improved health care services. However, John is most closely identified with his tireless campaigns for the rights of senior citizens. He has been appointed to the New York State Senior Campaign Advisory Board and represented New York at the White House Conference on Aging.

I am pleased to report that John continues his commitment to the people of Suffolk County today, but unfortunately he has decided to retire from the Suffolk County Legislature when his present term ends on December 31, 1993.

We will miss John in government but I will always be proud of his service and happy to call him my friend.

JANET L. BARKAUSKAS HONORED

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GUNDERSON. Mr. Speaker, I would like to congratulate Janet L. Barkauskas of La Crosse, WI, who won the Veterans of Foreign Wars' Voice of Democracy scriptwriting contest for the State of Wisconsin. The following is her award-winning essay.

MY VOICE IN AMERICA'S FUTURE

Each and every person who passed through the gates of Ellis Island had a story. A story of oppression, perhaps, of persecution. Or maybe a tale of aspiration, of someone seeking their fantastic dream. Or one of despair, of human beings given no choice, people trapped between terrible choices.

Regardless of why they came, every man, woman and child who arrived in America had a purpose in a larger scheme. Though at the time they were unaware of it, their very arrival was to shape the culture of a nation.

Every person has a story. They tell it through their actions and words—the front which we encounter in day-to-day life. They show it through their character—the qualities which they themselves may not see, but which provide the complexity required for a story of such high degree. Each character interacts with so many others, weaving a plot which pales all fiction in comparison, showing it to be a more imposter of reality.

America is the greatest anthology ever created. Stories from across the globe mingle here, meeting, exchanging, and blending to create a masterpiece. So, too, do the people who own them, contributing their share of culture as we strive toward common American goals.

Our past spills out across the weathered pages of time as we browse through the volumes of history. On this page, a story of a Lithuanian woodcutter who faced imprisonment but was given the chance to escape; on that page, the story of a Senegalese who was sold into slavery but eventually escaped to the North; and on another page, the story of a Chinese businessman who needed a free economy to prosper and came to America in search of a dream. There are so many more pages to be seen that they cannot be listed in such a short time as I have. Each page is a story unto itself, and all combine to create the greatest volume of human achievement ever recorded.

However, the ink fades quickly. Stories which were once vivid in the parchment of our memories now fade into oblivion. Tales of our ancestors are being lost, slowly, as we lose sight of our heritage and the traditions we sprung from. With each passing life, another fragment of culture is lost. An irreplaceable fragment, in fact, since culture, like good wine, must be aged before it is of any value. And as our past disintegrates, our future dies with it. The two are invisible yet faithfully linked, just as the fate of the leaves is determined by the roots from which they stem. To ensure a future for our nation, we must preserve our past.

And that is where my voice—and others like mine—will be heard in America's future. We will revive the history of our Nation, resurrecting the American experiences that guide us today, and we will voice the stories of America's people. We will impart their every deed and emotion to our neighbors, our children, and our children's children, and instill in them a sense of background, of purpose, of meaning. We, the people who take pride in our heritage and our Nation and who shoulder the responsibility of continuing our great traditions—we are the cultural historians of America. We are, in fact, its very soul.

The stories passed on from generation to generation define our Nation's identity, and breathe life into it—they are its heartbeat. For a nation is not a cold, rigid governmental blueprint. It is more than just a few symbols and curves in a mapmaker's atlas. It is more than any scientific principle can explain. A nation is its people—it is the inhabitants which give it existence and life. And by educating others about the glorious traditions of our culture, we who honor the past serve as the catalyst for America's growth—not tangible growth, but the advancement and development of the American spirit.

My story is in the making. There is a page set aside for me in the book of America. I am filling much of it with selections from others. It's my way of thanking them for giving me a solid road to walk on and a glorious dream to walk to. My story is beginning to write itself. Now, I can challenge you to write your own.

INTRODUCTION OF H.R. 3084

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. TAUZIN. Mr. Speaker, today, I am introducing legislation that makes a technical change to the Internal Revenue Code regarding amounts transferred from the Aquatic Resources Trust Fund, commonly known as the Wallop-Breaux Fund, to its boat safety account.

Creation of the Aquatic Resources Trust Fund in 1984 was one of the most important conservation and recreation achievements enacted by Congress. Under current law, the boat safety account is authorized to receive $70 million per year in motorboat fuel taxes while the total amount in the boat safety account is capped at $70 million. Amounts in the boat safety account are allocated evenly between the Coast Guard operating expenses account and the State boating safety grant program. As the program administrator, the Coast Guard then allocates the annual appropriation for the State grant program among the eligible States based on a formula provided by law. The amounts derived from this calculation for State boating safety programs are to remain available until expended by the States. The law also allows the States up to 3 years to spend the amounts allocated.

In determining how much to transfer to the boat safety account without exceeding the $70 million cap, the Treasury Department includes not only amounts left over after Congress appropriates funds for this program but also amounts previously appropriated but not spent by the States. This prevents any carryover of undistributed funds in the boat safety account. This is in direct conflict with the intent of Congress to give the States 3 years to spend the amounts allocated.

This bill is intended to clarify that appropriated undistributed funds for the State boating safety program should not be included in the determination of how much to transfer to the boat safety account each year. This will simplify and improve accounting for the boat safety account with no budgetary impacts. I am and have always been a strong supporter of our State boating safety programs. The States do a great job in adopting and enforcing laws to make boating a safe and enjoyable activity. This bill will eliminate the potential loss of funds for important State boating safety programs. This language is contained in an administration proposal transmitted to Congress on April 16, 1993, and is supported by the National Association of State Boating Law Administrators.

TRIBUTE TO ONE "STEVIE WONDER" CELEBRATING THE LEGACY OF AFRICAN-AMERICAN LEADERSHIP

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. MFUME. Mr. Speaker, from the syncopated sixties through the hip hop nineties, Steveland Morris, known to the world as Stevie Wonder, has become an international music treasure. He has paved the way for innumerable aspiring musicians and entertainers to follow his singularly prolific path. For more than four generations, Stevie Wonder has been a favorite and won the hearts of young and old with his unique genius.

Stevie Wonder is an inspiration beyond the realm of music. He is a visible example of modern day activism for social reform. On the cutting edge of grassroots movements, he was the primary force in the successful effort to ensure a national holiday in honor of Dr. Martin Luther King, Jr. Undaunted by the refusal of many detractors Stevie remained steadfast in his vision and today it is a reality, standing as a testimony to his perseverance of will and commitment. When America reflects upon the meaning of Dr. King's holiday, they are reminded too of the dedication of a superstar.

A natural wonder in his own right, Stevie Wonder's contributions to the world of music do not begin or end with his numerous gold and platinum records that stretch the length of his career. His musical achievements are appreciated by cultures across the globe because his music is truly universal. It speaks to the soul, to the inner being. He has spoken to the world about joy and pain. He has given a new perspective to life in America. Stevie Wonder, music innovator, concerned activist for social change and progress continues to shine, by example, for all of us to follow.

TRIBUTE TO DAN "RUDY" RUETTIGER

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. SANGMEISTER. Mr. Speaker, I rise today to salute one man, a native of my congressional district; but, more generally, I am paying tribute to all people who have the desire, courage, vision, and most importantly, the persistence, to achieve their dreams, no matter how seemingly unattainable.

Dan "Rudy" Ruettiger was a collegiate football player. He got into exactly one game, more specifically, one play, as a defensive end for the Fighting Irish of Notre Dame during the 1975 season. His role for the 2 years he was on the Fighting Irish squad was that of a scout team player—non-scholarship, walk-on athletes who provide enough warm bodies to conduct full scrimmages and drills in practice, but rarely, if ever, dress for a game. There have been thousands of players at Notre Dame and other colleges like Rudy; those who go out for the team merely because they love the game or their school. What makes Rudy Ruettiger special is his long journey that finally brought this 27-year-old, 5 foot 6 inch scout team defensive end onto the floor of Notre Dame stadium for the final play of the 1975 season.

Rudy was born into a working-class family in Joliet, IL, and grew up in a 3-bedroom house with 13 brothers and sisters. As a teenager, Rudy attended legendary Joliet Catholic High School and was an outstanding linebacker for a team that went undefeated in 1965. As a senior, he and his teammates attended a retreat at Notre Dame, and Rudy fell in love with the place; his dream of playing under the Golden Dome was born.

Unfortunately, he faced a few obstacles in achieving this dream. First, his size. Despite his talent, Notre Dame was not in the market for 5 foot 6 inch linebackers. Second, his academic abilities. Rudy graduated third in his class—third from the bottom.

So with less than stellar academic credentials, he want to work at a local power plant, then joined the Navy for 2 years, returning to the plant after his discharge. At the generating station, he befriended a coworker, and they would discuss their life's dreams, Rudy's, of course, to play football for Notre Dame. Even as the years continued to roll by, he kept himself in excellent shape by doing pushups, situps, and pull ups from the rafters in his free moments at work. Then one dark day, Rudy's friend was killed in an accident at the plant. Rudy realized that although his friend would now never achieve his dreams, why shouldn't he go after his own? Life was too short and too precious not to.

He enrolled at Holy Cross Junior College, right across the highway from Notre Dame, in South Bend, in an effort to get his grades up. As part of his plan, he literally ambushed Fighting Irish coach Ara Parsegian one day to plead his case, bursting from the bushes outside of the coach's office as Parsegian arrived at 6 a.m. The legendary coach was sold on Rudy's desire and persistence, but told the young man he had to be enrolled at the school before he could join the team.

After 2 years of dedicated study at the junior college, he was finally accepted by Notre Dame, a 26-year-old junior.

On the practice field that fall, Rudy was dwarfed by some of the finest college players in the country. But the scrappy walk-on from Joliet held his own against the blue-chippers, taking every bit of punishment they could dish out. After 2 years of dedicated work in practice and after 2 years of patiently donning his street clothes every Saturday during the football season and watching his teammates from the sidelines or on TV, Rudy got his big chance in the 1975 season finale against Georgia Tech. The Notre Dame captains approached Coach Dan Devine and asked that this scout team dynamo, who bled gold and blue, be allowed to dress for the last game. One of them would even sit out the game if that was necessary to get Rudy in uniform.

But dressing for the game was not enough for this dreamer. Rudy wanted in. As the game progressed, and Notre Dame moved farther ahead, some of his teammate began chanting his name. Soon, the student body section, where Rudy's story was already legend, joined in, and then the entire stadium seemed to be chanting: Rudy. Rudy. Rudy.

As the clock ran down to the final minute Devine bent to the wishes of 60,000 fans, and sent No. 45, Rudy, in for the final play. He had done it, he was playing for Notre Dame. And for icing on this cake, he even broke through on the rush and sacked Tech's quarterback.

If Rudy's story has the ring of a Hollywood movie to it, that is because it now is. After world premieres in his hometown of Joliet and, of course, South Bend, IN, "Rudy," a full-length feature film based on this amazing story, will open on movie screens across the country. I suggest anybody who has big dreams should see this movie.

Mr. Speaker, I salute Rudy Ruettiger, and all those who have the courage and determination to chase their dreams, whatever they may be.

INTRODUCTION OF THE "NATIONAL FOREST FOUNDATION AMENDMENTS ACT OF 1993"

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. DE LA GARZA. Mr. Speaker, I rise today to introduce the National Forest Foundation Amendments of 1993, which will enable the National Forest Foundation to carry out the role Congress intended.

The National Forest Foundation Act of 1990 provides for the establishment of a charitable, nonprofit corporation here in the District of Columbia. The Foundation encourages and accepts donations and gifts in order to conduct activities that further the purpose of National Forest and National Grassland management. This includes encouraging educational and other assistance that supports multiple use, research, cooperative forestry, and other programs administered by the U.S. Forest Service, the private sector, and other governmental and educational institutions. The Foundation has begun to serve as a catalyst for developing cooperative relationships and partnerships with private conservation organizations, industry, and the academic and philanthropic communities.

Mr. Speaker, as you may know, although the act was authorized to begin receiving funds in fiscal year 1992, the initial appropriations of funds for the Foundation was not realized until fiscal year 1993. The delay was due to the initial organization and board selection, which required more time than anticipated. Unfortunately, this means that 1 year of funding that was envisioned in the act was lost. Further, the act required that the majority of the startup funds be used to the support the administrative functions of the Foundation rather than projects. While this language was well intentioned, the Foundation has done an excellent job of keeping their administrative costs low and would like to spend this money on the Foundation's worthwhile projects, including the funding of three Youth Forest Camps this summer.

The bill, I am introducing today, the National Forest Foundation Amendments of 1993, corrects these problems. Drafted as companion legislation to S. 1381, introduced by Senator PETE DOMENICI, these amendments extend for 1 year the funding authorization and startup authorization for the National Forest Foundation. The bill also allows for the startup and matching funds associated with the Foundation to be used to implement projects. Expansion of this authorization will allow the Foundation to perform its mission as Congress intended.

Mr. Speaker, I am hopeful that this body will move quickly on this legislation in order to improve the operation of the National Forest Foundation and its programs.

TRIBUTE TO DETECTIVE/SERGEANT DONALD JENKINSON ON THE OCCASION OF HIS RETIREMENT AFTER 25 YEARS OF SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to Det/Sgt. Donald Jenkinson who is retiring from the Michigan State Police after 25 years of service.

Det/Sgt. Jenkinson graduated from Waterford-Kettering High School in Drayton Plains, MI. On June 23, 1968 he enlisted in the Michigan State Police. Det/Sgt. Jenkinson was assigned as a trooper to Battle Creek, Jonesville, Bay City and Gladwin Posts. He was promoted to sergeant in March of 1980 and assigned to Bay City. In November of 1981, Donald became a detective/sergeant while still in Bay City. In December of 1989 Det/Sgt. Jenkinson transferred to Gladwin. He again was transferred back to Bay City in December of 1991 and retires June 30, 1993.

Det/Sgt. Jenkinson was awarded a professional excellence citation on January 23, 1990

for work on a forgery complaint. A subject had been passing bad checks worth more than $200,000 during a 4-year period. The suspect was positively identified by fingerprints on checks.

Det/Sgt. Jenkinson has been married 28 years to this wife Tami. They have two sons, both police officers—Michael, a Trooper at Romeo Post, and Matthew, a Canton Twp. P.D. patrol officer and a daughter Mindy. Det/Sgt. Jenkinson's mother, Selma Jenkinson, lives in Gladwin and his father was the late Maurice Jenkinson.

Mr. Speaker, I would like to thank Det/Sgt. Jenkinson for all of his hard work and service to the people of Michigan and I would like to wish him a very happy, restful and well-deserved retirement.

ANIMAL ENTERPRISE PROTECTION ACT AMENDMENT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GEKAS. Mr. Speaker, last year the Congress passed the "Animal Enterprise Protection Act of 1992"—Public Law 102–346—in response to a growing national trend of violence perpetrated by animal rights extremists on the agricultural and scientific research communities. This law now provides an important Federal statute against these costly and destructive acts.

Unfortunately, a disturbing new trend has developed which the original bill did not thoroughly cover. Individuals have now become the targets of violent and life-threatening attacks by animal rights extremists. Individuals, family members, and personal property have been increasingly intimidated and victimized through the use of tactics typically associated with terrorist organizations. According to the September 1993, U.S. Department of Justice and U.S. Department of Agriculture, Report to Congress on the Extent and Effects of Domestic and International Terrorism on Animal Enterprises, ". . . the most disturbing pattern to emerge during the period in question was that individuals and their personal property were targeted with increasing frequency (p. 9)."

Evidence of this trend is clear: On April 29, 1993, in the State of Maryland the homes of five researchers were attacked by animal rights extremists. In my home State of Pennsylvania, Dr. Adrian Morrison researcher at the University of Pennsylvania, has been consistently terrorized through both physical and psychological intimidation. Our fears are further perpetuated by Animal Liberation Front statements such as: "I would be overjoyed when the first scientist is killed by a liberation activist," Vivien Smith, Animal Liberation Front, The Saturday Times Review, November 7, 1992.

Mr. Speaker, I find such attacks and statement not only unsettling but perverse enough to warrant legislative action. Therefore, today I am introducing legislation in response to this trend of personal victimization by animal rights extremists. My legislation amends the Animal Enterprise Protection Act of 1992, to include person and personal property of those persons engaging in an animal enterprise. My bill is offered based on findings from the September 1993, U.S. Department of Justice and U.S. Department of Agriculture Report to Congress on the Extent and Effects of Domestic and International Terrorism on Animal Enterprises, which documents this growing trend of personal victimization: "All of the extremist acts that have been directed against individual researchers have involved either threats against their person or family members or vandalism to their personal property or both."

My amendment is designed to protect individuals engaging in an animal enterprise, such as farmers and researchers, from senseless acts of violence. My amendment has already received enthusiastic support from professionals in these fields, and today I ask my colleagues for their support and cosponsorship of this legislation. For those of my colleagues who may have constituents in their districts employed in such industries as dairy, meat production, pet shops, textiles, medical research, pharmaceutical production, high-technology research and development, universities, health care, or countless other industries linked to an animal enterprise, I especially urge your consideration and support of this legislation.

BETTER CARE FOR VETERANS

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. KREIDLER. Mr. Speaker, today I am introducing a bill that I believe will help create better health care for many of our veterans and do so in a cost effective manner.

Our VA medical centers are overwhelmed each year with cases of alcohol and drug dependencies and post-traumatic-stress disorder. Often the only way to treat these patients is to place them in a hospital bed or see them on an outpatient basis. However, these treatments are generally too much or too little. Hospitalization for these disorders is very costly, and outpatient treatment does not provide for adequate supervision. Furthermore, as most of these veterans are homeless or indigent, they are coming from environments which cannot support them after treatment. The rate of success of these treatments is low.

Successful treatment of these conditions requires that the patient learn to function within new living, social, and working environments. In recognition of this, 2 years ago the Department of Veterans Affairs started a pilot program of therapeutic residences combined with compensated work therapy. The program provides paid work, rehabilitative services, and transitional work as a step toward community employment of severely disabled veterans.

These pilot programs encourage veterans recovering from addictions and other disabilities to participate actively in their recovery while living in a supervised yet supportive environment and working at a compensated work therapy site. In group and individual counseling settings, staff help recovering veterans work through self-defeating behaviors, learn or relearn social skills, and understand the medical and psychological implications of recovery. Successful program completion is measured by continued recovery and stable work experience leading to gainful private sector employment.

Important to the success of these programs is the ability to contract with non-Federal entities for work opportunities. Currently, DVA is limited in its ability to contract with large private companies for work projects, and cannot compete for private sector grants. My bill allows the Secretary to authorize the establishment, at any Veterans Health Administration facility, of an nonprofit corporation for the purposes of therapy.

Nonprofit corporation status will enhance the ability of compensated work therapy programs to bid for work and grants in the private sector. This ability allows for a greater diversity in the work patients can do, and introduces them into the private sector where they will work after completing the program. Meaningful and remunerative work is vital for the successful treatment of these veterans.

My bill also extends the therapeutic residency demonstration program from 1994 to 1997 and allows it to expand from 50 to 70 sites by 1997. The DVA may not spend more than $500,000 a year on property costs to operate the program. After a program begins on a site, most of its costs are sustained through its receipts from work projects.

Mr. Speaker, I urge my colleagues to support this legislation that continues and expands a program which provides quality, cost-efficient care to veterans who need and deserve this help.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH NONPROFIT CORPORATIONS.

(a) Chapter 17 of title 38, United States Code, is amended by inserting after section 1718 the following new section:

"§ 1718A. Nonprofit corporations

"(a) The Secretary may authorize the establishment at any Veterans Health Administration facility of a non-profit corporation (1) to arrange for therapeutic work for patients of such facility or patients of other such Department facilities pursuant to section 1718(b) of this title, and (2) to provide a flexible funding mechanism to achieve the purposes of section 1718 of this title.

"(b) The Secretary shall provide for the appointment of a board of directors for any corporation established under this section and shall determine the number of directors and the composition of the board of directors. The board of directors shall include—

"(1) the director of the facility and other officials or employees of the facility; and

"(2) members appointed from among individuals who are not officers or employees of the Department of Veterans Affairs.

"(c) Each such corporation shall have an executive director who shall be appointed by the board of directors with concurrence of the Under Secretary for Health of the Department. The executive director of a corporation shall be responsible for the operations of the corporation and shall have such specific duties and responsibilities as the board may prescribe.

"(d) A corporation established under this section may—

"(1) arrange with the Department of Veterans Affairs under section 1718(b)(2) of this title to provide for therapeutic work for patients;

"(2) accept gifts and grants from, and enter into contracts with, individuals and public private entities solely to carry out the purposes of this section; and

"(3) employ such employees as it considers necessary for such purposes and fix the compensation of such employees.

"(e)(1) Except as provided in paragraph (2), any funds received by a corporation established under this section through arrangements authorized under subsection (d)(1) in excess of amounts reasonably required to carry out obligations of the corporation authorized under subsection (d)(3) shall be deposited in or credited to the Special Therapeutic and Rehabilitation Activities Fund established under section 1718(c) of this title.

"(2) The Secretary, in accordance with guidelines which the Secretary shall prescribe, may authorize a corporation established under this section to retain funds derived from arrangements authorized under subsection (d)(1).

"(3) Any funds received by a corporation established under this section through arrangements authorized under subsection (d)(2) may be transferred to the Special Therapeutics and Rehabilitation Activities Fund.

"(f) A corporation established under this section shall be established in accordance with the nonprofit corporation laws of the State in which the applicable medical facility is located and shall, to the extent not inconsistent with Federal law, be subject to the laws of such State.

"(g)(1)(A) The records of a corporation established under this section shall be available to the Secretary.

"(B) For the purposes of sections 4(a)(1) and 6(a)(1) of the Inspector General Act of 1978, the programs and operations of such a corporation shall be considered to be programs and operations of the Department with respect to which the Inspector General of the Department has responsibilities under such Act.

"(2) Such a corporation shall be considered an agency for the purposes of section 716 of title 31 (relating to availability of information and inspection of records by the Comptroller General).

"(3) Each such corporation shall submit to the Secretary an annual report providing a detailed statement of its operations, activities, and accomplishments during that year. The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report in the corporation's report to the Secretary for that year.

"(4) Each member of the board of directors of a corporation established under this section, each employee of such corporation, and each employee of the Department who is involved in the functions of the corporation during any year shall—

"(A) be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions; and

"(B) submit to the Secretary an annual statement signed by the director or employee certifying that the director or employee is aware of, and has complied with, such laws and regulations in the same manner as Federal employees are required to.

"(h) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and location of corporations established and the amount of the contributions made to each such corporation.

"(i) No corporation may be established under this section after September 30, 1999.

"(j) If by the end of the four-year period beginning on the date of the establishment of a corporation under this section the corporation is not recognized as an entity the income of which is exempt from taxation under the Internal Revenue Code of 1986, the Secretary shall dissolve the corporation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1718 the following new item:

"1718A. Nonprofit corporations.".

SEC. 2. EXTENSION OF DEMONSTRATION PROGRAM.

Section 7 of Public Law 102-54 (105 Stat. 269; 38 U.S.C. 618 note) is amended—

(1) in subsection (a), by striking out "1994" and inserting in lieu thereof "1997";

(2) in subsection (c)—

(A) by striking out "no more than 50"; and

(B) by striking out "of this subsection." and inserting in lieu thereof "of this subsection—

"(1) at no more than 55 sites during fiscal year 1994;

"(2) at no more than 60 sites during fiscal year 1995;

"(3) at no more than 65 sites during fiscal year 1996; and

"(4) at no more than 70 sites during fiscal year 1997."; and

(3) in subsection (k) by inserting after the second sentence the following: "During the period covering fiscal years 1994 through 1997, the Secretary shall manage the costs of acquisition, management, maintenance, and disposition of real property acquired for such program after October 1, 1994, in such manner as to assure that in any fiscal year the total amount of such expenditures do not exceed $500,000.".

THE UKRAINIAN-AMERICAN NEWSPAPER, SVOBODA, COMMEMORATES 100TH ANNIVERSARY

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. SLATTERY. Mr. Speaker, 100 years ago today, on September 15, 1893, the first issue of Svoboda appeared and began its crusade to inform and excite people of Ukrainian heritage about the world and their homeland. One of the oldest ethnic newspapers in the United States and the largest continuously published Ukrainian-language daily newspaper in the world, Svoboda was also a catalyst for the creation of many organizations to meet the needs of Ukrainian-Americans. On behalf of the 2,500 Ukrainian-Americans living in Kansas, I would like to honor Svoboda on the 100th anniversary of this historic newspaper.

Throughout its history, Svoboda, meaning liberty, has served as an important channel to Americans for information regarding the long and valiant struggle of Ukrainians for independence. It was through Svoboda that United States political leaders gained insight into the many struggles of the Ukrainian people: the Stalinist famine in Ukraine in the 1930's, the arrests of Ukrainian human rights activists in the 1970's and 1980's, and the final struggle for Ukraine's independence in 1990 and 1991.

In addition, Svoboda has provided thousands of Ukrainian immigrants a valuable source of news on the United States and the world in their native language. In doing so, the newspaper helped to create organizations which have provided for the educational, social, and cultural needs of the Ukrainian-American community.

As the newspaper's first editor-in-chief, Mr. Dragan, wrote decades after the first issue, Svoboda is "a crusading newspaper." Today, as all the Republics of the former Soviet Union share in Ukraine's continuing crusade for democracy and free market economics, Svoboda is a symbol of the importance of knowledge and information in bringing about democratic ideals. Furthermore, Svoboda is a constant reminder of what American ethnic groups can do to affect change in their homelands as well as within the United States. I commend all Ukrainian-Americans, particularly members of the Ukrainian National Association, on 100 years of service to the United States and the Ukraine through the newspaper of liberty, Svoboda.

OPAL CREEK FOREST PRESERVE ACT OF 1993

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. KOPETSKI. Mr. Speaker, today I am introducing legislation to establish the Opal Creek Forest Preserve in the Detroit Ranger District of the Willamette National Forest, OR.

Mr. Speaker, Opal Creek is, plain and simple, among the crown jewels of Northwest old-growth forests. Old-growth forests are unique ecosystems serving as critical wildlife habitat for hundreds of vertebrate and invertebrate animals, plants, and fungi. Old-growth forests provide clean and plentiful water. This is the water which supports the streams where wild runs of salmon and other anadromous and resident cold water fish are wholly dependent on high-quantity and high-quality water for migration, spawning, and rearing.

Old-growth forests also provide unique and outstanding opportunities for educational study, scientific research, and recreation. The establishment of an old-growth preserve at Opal Creek will contribute significantly to the quality of life for the residents of Oregon and my great State's many visitors.

The area containing what is known as the Opal Creek Forest is one of the largest remaining intact low-elevation old-growth forest ecosystems in the Western Oregon Cascades. Opal Creek Forest contains outstanding geological and botanical features, including trees up to 1,000 years of age, and is significant to the aboriginal and early mining history of Oregon. The Opal Creek Forest area includes four lakes, 45 miles of free-flowing streams, 50 waterfalls, and according to the most recent figures, provides recreational opportunities for more than 12,000 visitors annually.

Opal Creek Forest's recreational use is increasing at a rate in excess of 50 percent per year.

Unfortunately, Mr. Speaker, Opal Creek Forest continues to be threatened by additional logging, which will cause irreparable harm to the outstanding ecological, scientific, educational, and recreational values of the area. For too long, this area has been left in limbo, with the continual threat of logging hanging like a storm cloud on the horizon of this gift of nature. Planning for educational and recreational use of the area does not go forward as long as timber harvests remain a possibility.

The battle over Opal Creek has divided the community: it is time to end this war. Environmentalists want Opal Creek preserved. Many in the timber industry recognize that if the Forest Service offered a sale of Opal Creek Forest timber, it would be challenged immediately in court, and never be consummated. I have taken great pains to work with representatives from the environmental community, members of the timber community, as well as a mining interest whose operations within the preserve area are approved. This legislation makes certain the interests of all are protected, and I would like to emphasize that the mining operation provides 80 quality jobs for the people in the region. My office has spent considerable energy ensuring that this venture will go forward in a manner consistent with this legislation's primary objective.

In this legislation I have tried to address all facets of Opal Creek, in order to ensure a pristine area safe in perpetuity. The area will be protected so that the residents of Oregon's Fifth District, Oregon, and the rest of the Nation will have an opportunity to learn about, and experience first-hand, the ecological significance of virgin, coniferous forests. In short, Mr. Speaker, this legislation represents a balanced approach to ensure that a unique, pristine area is forever protected from logging activity.

Mr. Speaker, I am including with these remarks a summary of the Opal Creek Forest Preservation Act of 1993. And, finally, I urge the expeditious consideration of this important measure.

Subject: Section by section summary of draft bill: Opal Creek Forest Reserve Act of 1993.

Section 1 is a short title section.

Section 2 sets out several findings of Congress regarding the value of the old-growth forests that are addressed in the bill, including that the establishment of a forest preserve to protect areas of old-growth forests can contribute significantly to the quality of life for the residents of the State of Oregon through recreation, education, and a protected water supply; and that the Opal Creek forest is one of the largest remaining intact low-elevation old-growth forest ecosystems in the Western Oregon Cascades with trees up to 1,000 years of age.

Section 3 establishes the Opal Creek Forest Preserve for the purpose of developing and maintaining the research, educational, and recreational values of the preserve. The Preserve is to consist of the federal lands located in the Detroit Ranger District of the Willamette National forest, Oregon, depicted on a map, and whatever additions to the Preserve may be added under section 5 of the Act.

Section 4 contains the management directives for the Preserve. Subsection (a) directs the Secretary of Agriculture in consultation with the nonprofit organization known as the Friends of Opal Creek (used throughout to also include its successors in interest) to develop a cooperative management plan for the Preserve that is consistent with the standards and guidelines of subsections (b) and (c).

Subsection (b) contains certain management standards as follows:

Paragraph (1) requires the Secretary to prohibit timber harvesting in the Preserve, except that which is determined by the Secretary to be necessary for subsistence use for "firewood and other purposes in research and educational facilities located within the Preserve or is conducted pursuant to a special use permit issued by the Secretary."

The Secretary also is specifically instructed to terminate further planning regarding the Cedar and Elkhorn Creek timber sales.

Paragraph (2) directs the Secretary to permit nonmotorized recreation in the area that does not conflict with or adversely affect the old-growth forest ecosystem or research or educational activities in the Preserve.

Paragraph (3) states that, except as authorized in paragraph (5), the Secretary is to prohibit the construction of new roads in the area.

Under paragraph (4), existing special use permits regarding the Preserve are allowed to continue in accordance with the permit terms, except that the Secretary is to convert the applicable parts of the plan of operation of the Shiny Rock Mining Company to special use permits for use by the Friends of Opal Creek. In addition, the Secretary may issue new special use permits to the Friends of Opal Creek for activities consistent with the management plan, and the Secretary may issue new use permits in connection with exploration, mining, and mining-related activities in the Bornite Project Area.

Paragraph (5) states that roads, structures, and utilities are to be allowed inside the Preserve to serve activities conducted on land outside the Preserve pursuant to special use permits issued before enactment or pursuant to the exceptions stated in paragraph (4).

Subsection (c) sets out guidelines by which the Secretary shall manage the Preserve, including that the Secretary shall: (1) promote nondestructive research in the Preserved regarding old-growth forests; (2) conduct educational programs in the Preserve regarding old-growth forests; and (3) preserve historic assets in the Preserve.

Subsection (d) withdraws lands in the Preserve from disposition under the public land laws, from location, entry, and patent under the federal mining laws, and from the operation of the federal mining and geothermal leasing laws. Subsection (d) further provides that any other federal lands added to the Preserves, including lands in the Bornite Project Area are to be withdrawn once added.

Subsection (e) authorizes the Secretary to "support" the management by a nonprofit organization of a private inholding in the special management area that is held by the organization if the organization agrees to manage the inholding in compliance with the standards and guidelines of section 4.

Section 5 directs the Secretary of Agriculture to conduct an inventory of non-federal lands and interests in the lands, including mineral estates in the Preserve. Based on the inventory, the Secretary is directed to pursue a land consolidation program to acquire lands and interests in lands suitable for inclusion in the Preserve, other than by condemnation. The Secretary is specifically directed to attempt to purchase at fair market value certain specified parcels. The Secretary also is to submit an annual report on the status of the land consolidation program to the appropriate Committees of Congress, and is specifically to report on the practicality of acquiring for the Preserve the 640 acres in the Cedar Creek area owned by Rosboro Lumber Company

Subsection (e) of section 5 directs that certain lands in the Bornite Project Area are to be added to the Preserve if either of two events occurs: (1) the determination by the Director of the Bureau of Land Management that mining claims on the lands are no longer valid; or the completion of all mining and reclamation activities, including the release of reclamation bonds on mining claims on the lands. In the meantime, mining claims on lands located in the Bornite Project Area may be patented for mining purposes only, and the lands are to be "reconveyed" to the Federal Government or, at the option of the patentee, to be conveyed to the Friends of Opal Creek.

Subsection (f) provides that existing access roads leading to inholdings in the Preserve that are in use on the date of enactment shall be allowed to continue and may be maintained in substantially the same condition as the roads were in on that date, but shall not be enhanced or subject materially intensified use except to serve the Bornite Project Area in accordance with special use permits.

Section 6 provides that nothing in the Act shall affect the operation of any timber sale contract entered into, or interfere with any activity for which an unrevoked special use permit has been issued before enactment when such activities are conducted in accordance with the terms of the contract or permit. Lastly, nothing in the Act shall interfere with any activity for which a special use permit is issued under section 4(b)(4) pursuant to an environmental assessment or final environmental impact statement and record of decision that was issued before such date.

JOBLESS RECOVERY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention to the House an article by Mr. Hobart Rowen which was published September 2, 1993, in the Washington Post.

Mr. Rowen has correctly identified a key flaw in the Clinton administration's economic policy—the over-reliance on low interest rates to create new jobs. The Bush administration's economic advisers, much as Clinton's, were preoccupied with lower interest and in doing so let the economy languish.

We have had a lesson in how to create jobs and increase the standards of living for working Americans from the Reagan administration and that is through savings and investment incentives given to individuals and businesses through lower taxes. Reagan's program of letting people keep more of what they earn produced the longest peacetime economic expansion in American history.

Congress must begin to recognize that the only successful way to create jobs in through such incentives.

[From the Washington Post, Sept., 1993]

JOBLESS RECOVERY

(By Hobart Rowen)

It's been an article of faith in the Clinton administration that the spectacular drop in long-term interest rates to record lows has a two-fold meaning.

First, it says, the slide in interest rates symbolizes a vote of approval by financial markets for Clinton's big budget-deficit program passed by Congress. Lower long-term rates show that the markets no longer fear a serious inflation, because the budget deficit in fact will come down as projected.

Second, their expectation is that low interest rates will galvanize economic activity, regenerating economic growth. Having failed to get the direct stimulus to the economy that he had hoped for—through public works and an investment tax credit for business—the president is counting on the oomph that low interest rates are supposed to supply.

As reported in this column previously, the Clinton team at first forecast a $100 billion thrust for the economy in 1994 just from the stimulative effect of cheaper interest rates. But lately, that has been whittled down to a wished-for $50 billion in 1994. Or, more modestly, the $100 billion boost to gross domestic product is now said to be the administration's guess over two to 2½ years.

But this analysis is flawed. True enough, the financial markets reacted favorably to Clinton's deficit-reduction proposals. And well they should, because more real deficit cuts are scheduled by the legislation that passed than anyone had expected.

The mission element in the Clinton approach is that low interest rates also reflect financial markets' correct judgment that the economy is very weak. That's why they don't worry about inflation. The GDP is only barely creeping ahead. There was some evidence of strength in the auto industry early in the year, but that has tapered off. New orders for durable goods are down.

A revision on Tuesday of GDP figures for 1992, showing the economy grew slightly faster than previously reported, only makes job growth now look even weaker.

In general, the United States is continuing to have a "jobless" recovery, in which large manufacturers are learning how to do business with as few regular, full-time employees as possible. Consumers are well aware of this trend. And where, in ordinary circumstances, low interest rates might tempt them to buy that new car, new house, or new refrigerator, too many of them—worrying about their jobs—are choosing not to do so.

The best evidence that low interest rates are not having the broad impact the Clinton administration had been hoping for is in the new housing market. True, owners of existing homes have been flocking to their banks to refinance their mortgages, taking advantage of the cheapest mortgage rates in more than 20 years.

The average for a 30-year, fixed-rate mortgage in July plunged to 7.21 percent from 7.42 percent in June, the lowest since the Federal Home Loan Mortgage Corp. began to keep such records in 1971. For adjustable rate mortgages (ARMs) that fluctuate with market interest rates, the figures are even lower.

Monthly reductions in mortgage payments should allow home owners to boost their expenditures for other things. But given the general uncertainty about jobs and the economy, it is also probable that many will sock their extra money into savings.

But to the disappointment of the industry and the government, sales of new homes declined sharply in July despite the lower mortgage rates available on new homes as well as on refinancing of existing homes.

This is a definite indication that many consumers, looking at the overall economy, and the persistent reports of job losses in almost every industry, are not rushing out to make a commitment for a new house.

The public also knows well—although the exact plan has not been revealed by the Clinton administration—that the new health care program soon to be sent to Congress could either impose new taxes, this time on middle-income families as well as the rich, or raise their actual costs or premiums for health care. Either way, it looks like a further diminution of the typical family's cash flow.

Another factor in the persistently soft economy is the difficulty encountered by small businesses in trying to borrow money from the banks. As far back as the post-election economic summit in Little Rock last year, Clinton pledged to get bank examiners to loosen up their tight rein on the banks ability to lend.

And the administration, through the Comptroller of the Currency and helped by the Federal Reserve Board, has tried to make good on that pledge, but without much success.

"Ten years ago, if the bank knew you, you could say what you needed to borrow. If you were a problem [company], the bank wouldn't lend. Today, you have to jump through hoops to get the smallest kind of loan, no matter how well they know you," said a small businesses.

Just how Clinton can get the economy moving up is hard to visualize. More than low interest rates are needed for a jump start. Consumers desperately need a boost to confidence. And businesses must not be only willing to borrow, but able to do so.

SALUTE TO DAVID J. AUGER AND JAMES R. GARY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GALLEGLY. Mr. Speaker, we are all aware of the outstanding work done by the American Cancer Society in cancer prevention and research. Today, I want to take this opportunity to recognize the work of the San Fernando Valley unit of the society, and to salute its 1993 honorees—David J. Auger and the late James R. Gary.

Both of these men will be honored at the annual Valley Barons Ball this weekend, a prestigious fundraising event that helps the American Cancer Society continue its vital work in the valley.

David Auger has been the publisher of the Daily News of Los Angeles since 1989, and has led the newspaper to record circulation levels despite Southern California's economic difficulties. The newspaper also has earned a growing reputation for journalistic excellence, such as its outstanding coverage of the Los Angeles riots.

But Mr. Auger has also found the time to contribute to the valley in a more personal ways. He serves as vice chairman of the executive committee and board of directors of the Valley Industry and Commerce Association, is a member of the executive boards of the Boy Scouts and Valley Presbyterian Hospital, and vice president of the Pacific Lodge Boys' Home.

The second honoree, Jim Gary, was a personal friend of mine whose death last year was a huge loss to the valley. A successful realtor, Jim was extremely active in charitable and community activities. He was active in the American Cancer Society, the American Heart Association and the March of Dimes, as well as a wide variety of business and community organizations.

Mr. Speaker, I ask my colleagues to join me in honoring the American Cancer Society's San Fernando Valley unit, David Auger and Jim Gary for their outstanding work on behalf of the people of the valley.

CROATIAN FRATERNAL UNION OF AMERICA HONORED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Whiting Friendship Fraternity Lodge 805, Croatian Fraternal Union of America, on the joyous occasion of its 50-year membership banquet.

This year, the Croatian Fraternal Union will hold this event at St. John the Baptist Catholic Church in Whiting, IN. Traditionally, the anniversary ceremony includes a recognition of those members who have achieved 50 years of membership. Honorees who have pledged their allegiance will be honored with golden member status on Friday, September 17, 1993, include Lucille Campbell, Ann Fuller, Dorothy Kasper, and Catherine Wiening. The 120-member lodge boasts 35 members with membership of 50 years or more. Sister Barbara Benich, an active member, has been with the Croatian Fraternal Union for 69 years. I am proud to commend lodge president Ann M. Kaminsky, vice president George Vrbanic, secretary Carole Mareta, and treasurer Ed Kosak. I would also like to commend every member of the Croatian Fraternal Union Lodge 805 for the allegiance and enthusiasm they have displayed toward their ethnicity.

The Croatian Fraternal Union is a beneficial organization whose objective is to unite Croatians, other Slavs, and their descendants and relatives to promote and preserve national, social, intellectual, and moral sentiments among its members. The Croatian Fraternal Union also strives to promote and preserve the Croatian culture and identity outside of the lodge. The charitable financial contribution Lodge 805 made to the Croatian Humanitarian Aid Fund is a fine example of their genuine benevolence.

It is my hope that this year will bring renewed prosperity for all members of the Croatian community and their families. May this 50-year membership banquet prove to be a most joyous occasion.

TRIBUTE TO JOSE LAMAS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GUTIERREZ. Mr. Speaker, Mr. Majority Leader, Dear Colleagues on both sides of the aisle, as you know, our inner cities have become virtual battlegrounds, where too many innocent people, especially children, are murdered every hour, in a senseless war for the control of the all too profitable drug turf, or in other, equally senseless acts of violence.

In the midst of this mayhem, it is disheartening to sit down with your family to watch some television, and be bombarded with images of violence which would be considered improper even in the context of a war documentary, and sex scenes which at a minimum, do not belong in the public airways during normal viewing hours.

Mr. Speaker, much has been said about this matter, yet, sex and violence continue to stream out of our television sets, virtually unabated, while our children continue to suffer from exposure to real life violence, and the ravages of a sexually confused society.

Fortunately, Mr. Speaker, not everyone is sitting idly by, watching in despair as our youth is destroyed. In Chicago, Mr. Speaker, we are very fortunate to have someone who is, perhaps, the best general manager in Hispanic television in the country, Mr. Jose Francisco Lamas, of WSNS–TV, Channel 44, the Chicago affiliate for the Telemundo network.

This brave man, Mr. Speaker, is a family man, a proud Hispanic, a man devoted to the betterment of our city through the involvement in, and the support of his television station for all community activities and initiatives of importance, particularly in the areas of youth and education.

Jose Lamas, after watching far too many of our young people sacrificed in the altar of senseless violence, far too much of our future squandered in the hopelessness of drugs, school failures, and teen pregnancy, decided, Mr. Speaker, to take action, he decided to make yet another contribution to our community. Per his instructions, the station's master control operators black out all scenes of grotesque violence or overt sexual acts and nudity that are offensive in nature for family viewing.

From sign-on to 11 p.m., objectionable scenes are covered with a slide that reads, in Spanish, images not adequate for family viewing.

Mr. Speaker, we all know there are, indeed, very serious issues of freedom of expression, and artistic freedom, which, of course, we all respect, and rightly so.

There are, however, Mr. Speaker, considerations of a higher moral order, for my community, and indeed, for the Nation, such as consideration of the right of our families to raise our children the way we see fit, consideration for the right of our families to a peaceful environment in the privacy of their own homes, consideration for the right of our youth to life, freedom from fear, and the right to a wholesome, healthy society in which to grow and develop.

Through his actions, Mr. Lamas has, I believe, called our collective attention to this recurrent problem of excessive sex and violence on television during regular family watching hours. While his initiative cannot be construed as the final, permanent solution of this problem, his valiant, courageous stand deserves our full recognition and support.

I encourage all of my distinguished colleagues to share this experience with their local television stations in the hope that, at least, the public may conduct a more informed, intelligent debate on the subject. For I believe, Mr. Speaker, that it is only through informed, active, and direct citizen involvement that this problem will be solved.

GREAT AMERICAN BEER WEEK

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. SCHAEFER. Mr. Speaker, on October 8–9, 1993, over 200 of the Nation's brewers will attend the 12th annual Great American Beer Festival in Denver, Co.

In recognition of the economic, environmental, and philanthropic contributions to American society by U.S. brewers, I today am introducing a joint resolution designating October 3–10, 1993, as Great American Beer Week.

The U.S. brewing industry has been a part of an American tradition dating back to the pilgrims. Brewers provide jobs for millions of American men and women and have a presence in every State of the union. Specifically, malt beverages provide for over 2.7 million jobs in the manufacturing, retailing, agricultural, packaging, distribution, trucking/rail, and other industrial sectors. The U.S. brewing industry contributes over $14.0 billion in Federal, State, and local taxes. The industry is a significant force in the American economy, not only in taxes and other related revenue, but as a major exporter in the world marketplace.

Not only is the beer industry a valuable economic force, it is also a philanthropic one, as evidenced by the brewers' response to the "Flood of 1993" in the Midwest. Within the past few weeks, the top five brewers, their distributors, and other related businesses came together to donate over 3 million quarts of drinking water to families in the flooded Mississippi River region. This is just one example of the industry's willingness to provide emergency relief in times of crisis.

Understanding the need to safeguard the environment, the beer industry has committed itself to protecting the Nation's natural resources and environment through waste reduction, recycling, and other conservation programs. The brewers of America have, for decades, made the reduction of solid waste and improvement of the environment corporate priorities. They have proud records of national leadership, through innovations like the recyclable aluminum beverage can and accomplishments in the area of environmental stewardship.

The beer industry has also played a significant role in the fight against alcohol abuse, underage drinking, and drunk driving through education and research efforts, spending tens of millions each year on related educational and prevention programs.

Today, beer is the beverage of choice for over 80 million responsible adults during sporting and social events, including national holidays.

I urge my colleagues to cosponsor this important recognition of America's brewers.

CONGRATULATING FRIENDSHIP VILLAGE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. CRANE. Mr. Speaker, I rise today to praise Friendship Village of Schaumburg, a retirement community in my district which has won reaccreditation from the Continuing Care Accreditation Commission. This commission is comprised of 16 members who represent both the continuing care industry and consumers, who conduct an intensive study of each facility. This study ensures that the institution is living up not only to the commission's standards, but also to its own stated mission and goals.

Among many criteria, the board ensures that any institution seeking accreditation has a responsible and responsive governing board, deals fairly and openly with residents and applicants, makes financial information available, and maintains its facility in keeping with legal, health, and safety requirements. This evaluation involves a rigorous onsite inspection, as well as an analysis of operations by the national board.

I am proud to say that Friendship Village has proved itself to be outstanding in these areas, and has been selected as the first facility in Illinois to receive accreditation. This award is symbolic not only of the diligence shown by the village in meeting the commission's exacting standards throughout the evaluation process, but also for the hard work and dedication displayed every day in caring for residents. I am proud to say that Friendship Village is providing the kind of service that all our seniors deserve, and I hope it will serve as a model for other continuing care institutions around the country.

Friendship Village is a pillar of the Schaumburg community and of my congressional district, and I know my colleagues will join me in offering sincere congratulations to the staff, residents, and all those associated with this fine retirement community.

CENTENNIAL ANNIVERSARY OF SVOBODA NEWSPAPER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GILMAN. Mr. Speaker, today, September 15, 1993, marks the 100th anniversary of the founding of the newspaper Svoboda.

Since 1893, Svoboda, published by the Ukrainian National Association here in the United States, has worked to inform Americans and, indeed, the entire world about Ukraine and its long struggle for independence. Through those many years, Svoboda has in fact played a crucial role in placing before the American people and the United States Government the facts about developments in Ukraine, in particular concerning the 1932–33 artificial famine in Ukraine and the persecution of Ukrainian activists for independence and human rights by the Communist regime of the former Soviet Union.

Mr. Speaker, I want to congratulate the publishers of Svoboda on the centennial of their newspaper's foundation and call my colleagues' attention to this anniversary. I also want to note with appreciation the work done by Svoboda and the Ukrainian National Association in bringing to life the idea of an independent Ukraine. As we all know, on August 24 of this year, Ukraine celebrated the second anniversary of its new independence.

Mr. Speaker, again, I offer my congratulations to the Ukrainian National Association and its newspaper Svoboda for 100 years of dedication to the independence of Ukraine, a dedication that has at long last been rewarded.

1993 MINORITY ENTERPRISE DEVELOPMENT WEEK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Ms. SLAUGHTER. Mr. Speaker, I am proud to raise my voice in recognition and celebration of the 1993 Minority Enterprise Development Week.

This important observance will occur during the week of September 19–25. Several special events have been planned as a coordinated effort to salute the numerous accomplishments of minority-owned businesses.

Minority business enterprises represent 9 percent of all U.S. companies. They do business in every sector and industry of our economy, manufacturing important products, providing vital services—and creating badly-needed jobs.

In addition to the many obstacles and challenges that all businesses encounter, minority-owned business too often face prejudice and rejection. This discrimination makes it more difficult to obtain capital, to win contracts, to network, and to succeed.

It is a special tribute to minority business enterprises, therefore, that so many have been able to overcome these barriers and achieve success.

Unfortunately, too many barriers still remain. Studies have concluded that the low business formation rate and the higher than normal business failure rates experienced by minorities were the direct result of under-exposure to business knowledge, restricted access to markets, and lack of management and capital.

This reality is one reason why I have strongly supported Federal funding, through the U.S. Department of Commerce, for minority business development centers across the country. MBDC's address the special problems experienced by minority-owned firms to ensure full participation in our free enterprise system. The centers provide one-on-one client-specific business development services, market research, market promotion, and other activities which identify and lead to public and private sector resource opportunities.

MBDC's assisted 18,213 clients nationally in 1992, an increase of 9.7 percent over 1991. These clients were 52 percent African-American, 25 percent Hispanic, and 25 percent women. For each Federal dollar invested in MBDC's, $64.72 was obtained through procurement and financing.

The MBDC in Rochester, one of 97 such federally funded centers, provided 2,229 hours of management and technical assistance to minority-owned firms during 1992. This assistance enabled 103 minority business enterprises to obtain over $1,097,400 in loans and bonding assistance and $35,000,000 in contracts.

MBDC's across New York State assisted in the formation of 162 new businesses employing 597 employees. These are specific results of which we can be proud.

The experience and leadership of minority business enterprises are helping us move down the road to full equality. They are building successful businesses and creating the jobs that strengthen our communities.

MED Week of 1993 is an appropriate time to express our gratitude to minority business enterprises for the important role they play in our communities. It is also a proper time to recommit ourselves to building an economy and a society where all businesses are able to enjoy equal opportunity and compete fairly.

Mr. Speaker, I salute these minority enterprises and their many contributions to my district and to our entire Nation. America could not prosper without the significant contributions of bright, talented, and capable minority business owners.

SEPTEMBER 18, 1993—OBSERVANCE OF CHILDREN IN SERVITUDE DAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BROWN of California. Mr. Speaker, I call the attention of my colleagues and all Americans to the observance of Children in Servitude Day this Saturday, September 18.

Child labor is a serious, alarming problem that is getting worse in many parts of the world, with as many as 25 percent of all children between the ages of 10 and 14 in some regions estimated to be working rather than going to school. Many of the defense children are employed illegally and in dangerous conditions that maim and kill them.

An especially egregious form of commercial exploitation of children is bonded labor. It is estimated there are 10 million children just in India alone working as bonded laborers. De facto they work in slavery in stone quarries, carpet factories, glassworks, and many other types of sweatshops. The International Labor Organization estimated in 1991 that half of the 50,000 children working as bonded laborers in the carpet weaving industry died before reaching 12-years of age due to malnutrition and disease.

But there is a growing tide of resistance to this moral and economic outrage. Using many of the same tactics of the civil rights movement in America in the 1950's and 1960's, there is a spreading broad-based movement in south Asia and elsewhere to eradicate bonded child labor. Peaceful marches of hundreds of thousands of bonded child laborers are descending upon New Delhi and other national capitals to demand action.

At the village level, raids are being conducted to free and rescue bonded children from the tiny compounds where they must live and work. After being trained, some of the rescued children are returning to their home villager in India, for example, to stage sit-ins at water wells, where untouchables are forbidden to drink, demonstrating for the release of other children and painting walls with slogans such as "Bonded labor is a crime! We want freedom".

The struggle for the eradication of bonded child labor began in India in 1980. Since then similar efforts have sprung to life in other countries of south Asia. In 1989, these different national efforts coalesced across national borders and nongovernmental organizations in India, Bangladesh, Pakistan, Nepal, and Sri Lanka formed together the South Asian Coalition on Child Servitude [SACCS].

One of the organizing tools that SACCS is using to press for the freedom of millions of bonded child laborers is global observance of Children In Servitude Day. There will be events held in different parts of our country to demonstrate support for the work of SACCS and others who are taking a stand for millions of children who are powerless to end their own bondage and suffering.

But there are additional, more concrete ways in which Americans inside and outside the Congress can take action to end this form of human slavery. Specifically, the Congress can enact the Child Labor Deterrence Act of 1993 (S. 613 and H.R. 1397) which Senator HARKIN and I have introduced in the Senate and the House. This legislation directs the U.S. Secretary of Labor to compile and maintain a list of foreign industries and their respective host countries that use children under 15 (including bonded child laborers) in the manufacture or mining of products for export. Such products would be prohibited from entry into the U.S. market unless U.S. importers certify that they have taken reasonable steps to ensure that the products they are importing from a listed foreign country are not made by children under 15. Importers would be subject to civil and criminal penalties for supplying these contraband goods to unwitting American consumers.

For years, U.S. trade law has prohibited the importation of endangered plants, animals, and counterfeit goods into the American marketplace. Surely, we can enact reasonable legislation that prohibits importing hand-knotted rugs and other products made by bonded child laborers.

I commend to the reading of my colleagues the following articles detailing the scope of this

immense human tragedy and the corresponding outcry being heard here and in many other countries.

[From the Economic Times, New Delhi, Dec. 25, 1992]

STEPS TAKEN TO END CHILD LABOUR IN CARPET INDUSTRY

(By Sunil Raman)

A small but significant step towards ending child labour in the carpet industry has been taken by some manufacturers and exporters in cooperation with foreign importers.

At a meeting here on Monday, it was decided to discuss the modalities for forming a working group to implement the labelling system for carpets not woven by children. The meeting was attended by the Association of Carpet Manufacturers' Without Child Labour, a 50-member body, Obeetee, a major exporting firm, Indo-German Export Promotion Programme and South Asian Coordination Against Child Servitude.

Earlier, a draft proposal for the labelling system had been accepted at a meeting of these four organisations on December 3, which was also attended by representatives of the U.S. and German embassies.

According to the proposal, once a manufacturer or an exporter joins the scheme, he would be required to submit "a detailed and complete list" of his manufacturing units including the contractors or loom owners with whom he has business relations. The inspection would be carried out by trained inspectors appointed by independent regional or local NGOs who have no stakes in the carpet trade.

A detailed inspection would then be carried out. A label with a graphic symbol and code numbers giving the name of the actual exporter, the loom owner, the individual loom (every loom is to be marked by a small tamper-proof number plate), and the specific carpet would be affixed on such carpets.

The right to use the label would be provided only to individual manufacturers/exporters, not to groups or association of entrepreneurs. Moreover, the right would be on an annual basis, renewable after regular inspections.

There is a proposal to register the label in Germany as well. It is reported that the U.S. embassy here has responded favorably to such a mechanism.

This development comes in the wake of a bill introduced in the U.S. Senate in August this year by Mr. Tom Harkin, to prohibit "the import of any product, made whole or in part, by children under the age of 15, who are employed in industry or mining."

The purpose of the Child Labour Deterrence Act of 1992 "is to curtail the employment of children under the age of 15 in the production of goods for export by: Eliminating the role of the United States in providing a market for foreign products made by under-age children; and encouraging other nations to join in a ban on a trade in such products."

The bill directs the U.S. secretary of labour to "compile and maintain a list of foreign industries and their respective host countries that use child labour in the production of exports. Once a foreign industry and its host country has been identified as utilising child labour, the secretary of the treasury is directed to prohibit the entry of any manufactured article from that foreign industry."

The bill is slated to be re-introduced in January and sources said the new U.S. administration would seriously consider the issue.

While India's exports of carpets to Germany showed a sharp fall because of the success of the campaign against using child labour, those to the United States increased from 15 to 40 percent.

The Indian carpet industry would be jeopardized if the U.S. Congress approves the bill. However, the development of an independent inspection and monitoring system would go a long way in helping the industry from facing any ban. The proposed labelling system is expected to come into force by March next and could become a precedent for other industries employing child labour.

[From the London Guardian, September 17, 1992]

INDIAN CHILDREN FREED FROM CARPET SLAVERY

Social campaigners are calling for protests and a western boycott of hand-knotted rugs until the evil of bonded labour is eradicated, reports Derek Brown as he talks to rescued children in Mirzapur, Uttar Pradesh.

We moved into Tilthi village in a straggly column, striding swiftly down a muddy lane. Surprise was essential. Our guides led the way, quickening their pace as they approached the target: a ramshackle brick hut beyond a monsoon-sodden field. We broke into a run, brushing through the head-high sugar cane, and suddenly, we came on our quarry: three blank-eyed, bewildered little boys, scattering into the fields.

Our leader, Kailash Satyarthi, yelled to them to stop and not to be afraid. Slowly, helplessly, they trudged back with us to the brick hut. Others were flushed from the fields and outbuildings. Soon, 13 boys stood before us, barefoot and dressed only in ragged shorts or underpants.

The oldest looked aged about 15: the youngest, maybe seven or eight. They were, until Tuesday afternoon, all slaves.

Modern India uses a more anodyne phrase—bonded labour. Here in Mirzapur it mostly means small boys sold by poor and ignorant parents into a hellish existence of carpet weaving, pain and degradation.

Uday, the smallest of the children rescued, looked aged about eight. He said he was 12, but clearly did not know.

The diminutive Uday was sold by his father to a middleman about three years ago. Through an interpreter, he described his life since then:

"We worked every day. We had to work all day on the carpets and if we were slow we were not allowed to sleep at night. Whenever there was any fault, we were beaten."

When the boys cut themselves on the yarn, the loom owner had a special treatment. He scraped the heads from matchsticks, put the powder on the cuts, and set fire to it. This cauterised the wound and allowed the injured boy to go back to work immediately, without any risk of bloodying the carpet.

Uday said the boys were fed twice daily, always on rice and dal (lentils). He clenched his hand three times, to show how much dal was put into the pot for each meal. "That was for 20 boys," he added.

Bhagirath, who thought he was aged eight or nine, said he had been in Tilthi for four years. What was the worst thing there? "The beating", he said tonelessly. Did he ever have time to play? "No." Was he paid any money? "No." Had he ever been to school? "No."

The testimony of these boys was shocking enough. Harder to bear, though, was the deadness of their voices and the emptiness of their eyes. Not once, during what was probably the most dramatic couple of hours of their lives, did any of them show a morsel of fear, relief or excitement.

Social activists like Mr. Satyarthi say there are 55 million bonded labourers in India today—10 million of them children. In the carpet weaving belt of eastern Uttar Pradesh state, around Mirzapur, there are 300,000 child weavers, an estimated 70 percent of whom are slaves.

For more than 10 years, organisations like Mr. Satyarthi's South Asian Coalition on Child Servitude (Saacs) have campaigned against this evil. In recent months they have freed more than 5,000 children in raids like the one at Tilthi.

But until now the campaign has been depressingly ineffective, like the law itself which bans children working in hazardous occupations and specifically outlaws bonded labour. Unfortunately, too often such laws become money-making opportunities for police, labour inspectors and others who are willing, for a fee, to ignore what is around them.

The carpet trade is worth £180 million a year in foreign exchange earnings for India alone. That is a powerful incentive to unscrupulous manufacturers and traders. But it is also, potentially, an opportunity for the social activists finally to strike a telling blow for the 300,000 woefully exploited children of Mirzapur.

After months of frustrating negotiation with manufacturers, the Saacs group is about to go on the offensive. Tomorrow will be marked by demonstrations and calls for urgent action to protect the children of the sub-continent. Pakistan has an estimated 500,000 child workers in the carpet industry; India and Nepal have 300,000 each.

More importantly, Saacs is about to launch a formal appeal to consumers in the west and elsewhere to boycott hand-knotted carpets from the region, unless they are guarantee free of child labour.

That pressure has already paid off in India, by splitting the manufacturers. The main body, the All India Carpet Manufacturers' Association has long promised action to eradicate, or at least limit, child labour, but little has been done. Now some 30 manufacturers have formed a breakaway group which is co-operating with Saacs on a labelling scheme which will allow carpets to be identified by western importers and consumers as free from child labour.

"The idea is to make people in the west aware that they are not only consumers and importers, but also human beings." Mr. Satyarthi says. "The carpets they buy should not contain the blood and flesh of poor children."

Such emotional language is deplored, of course, by the carpet industry here. Their standard defence of child labour is that it brings a little extra money to desperately poor families.

Mr. Satyarthi dismisses that argument as "an absolute myth". These bonded children get no money. If they were not used, the manufacturers would be obliged to hire adults who are easier to organize and unionize and who would demand fair wages and better conditions."

Mr. Satyarthi concedes that for a small minority of child weavers, who live and work with their families, an outright ban might be unjust. "Such children could go to school and work on the loom afterwards. They could play and laugh and learn an art at the same time. That is all right. But we are talking of only 10 per cent of child labour," he says.

He is scathing of the other standard defense of the system: that children are better weavers than adults.

"They say the children are better because they have small soft fingers. But we have dozens of examples of weaving competitions and not a single one was won by a child. The best weavers are adults, especially on the most complicated carpets, which have up to 400 knots per square inch. That kind of work needs very high levels of patience and concentration, which these children simply don't have."

In the west, or for that matter in Delhi there is an agreeable academic distance to debates about the function of child labour in developing countries; a reasonable balanced approach in which "reality" is weighed against desirability, and dispassionate observers may sigh and wish for better times.

In the mud of Tilthi, under the expressionless gaze of 13 ragged, illiterate, dehumanized boys, the carefully measured arguments are disgusting. Reality is here, not in academic debate. Reality is the sight of little boys who are slaves.

[The Financial Times, Dec. 19, 1992]

THE CHILD VICTIMS OF INDIA'S SLAVE TRADE

The dusty care-worn villages wait expectantly. They have travelled to Mirzapur, the sprawling north Indian city which is the centre of the country's carpet industry, hoping for a miracle. The man they have come so far to see smiles reassuringly and says: "We'll get your children back." He picks up the telephone and so begins a desperate effort to rescue the men's sons from illegal bonded labour.

The villagers have travelled by bus for days from their poverty-stricken farms. All are illiterate Untouchables, members of India's lowest caste and an easy target for exploitation. To ease their lives of abject poverty, they have sold their sons to carpet loom owners in return for Rs500 each and promises of well-paid work for the boys. Now, they want them back.

This tall man with the black beard is their last hope. He is Kailaish Satyarthi, a 37-year-old former electrical engineer, who has given up his career to become a social activist. To the horror of his family, he has also abandoned his own caste, the priestly Brahmins, to fight for the rights of Untouchables.

Satyarthi telephones Suresh Kumar Singh, the local magistrate, who is required by law to investigate violations of India's child labour legislation. But he is unobtainable, said by officials to be "too busy" to answer the call. After a fruitless six-hour wait, Satyarthi, accompanied by fellow campaigners against child servitude and a number of journalists, storms Singh's office—only to find it empty.

They wait in vain for a further hour, sitting on chairs before a large desk on which is written the motto: "Good public relations is the best policy". Eventually, a message comes, proposing a 7 pm meeting at Singh's house.

Armed guards meet the group at the magistrate's colonial-style mansion. They lead the way inside where a smiling Singh apologises to Satyarthi for the delay—and promptly suggests postponing the meeting to the next day. Barely able to control himself, Satyarthi refuses. He insists that Singh or one of his subordinates accompanies the group to rescue the children. "It's your duty," he argues.

Singh asks for the location of the two villages where the children are believed to be held and promises, in the best bureaucratic tradition, to see what he can do.

Child labour is banned in India in many industries, including carpet weaving. Bonded labour, where the workers' freedom of movement is restricted is illegal for employees of any age.

But India lacks the resources to properly police laws on child labour, as on many other social evils. The authorities are often loathe to upset businessmen such as the loom owners of Mirzapur who make a profitable living employing children to produce hand-knotted carpets for the showrooms of London, Berlin and New York.

Still less does the country have the means to quickly eradicate the economic pressures which force parents to sell their children into bondage, not just in the carpet industry but also in metalwork, quarrying and the manufacture of fireworks.

Moreover, even though caste equality is enshrined in the Indian constitution, caste consciousness makes many Indians insensitive to exploitation of Untouchables.

Slavery is an emotive term, child slavery particularly so. But it is difficult to see the bonded child labourers of Mirzapur as anything other than child slaves. The words are repugnant to carpet manufacturers and to officials of the textiles ministry.

However, as early as 1984, a local government official in Uttar Pradesh province, which includes Mirzapur, admitted the truth in a note for a visiting labour ministry delegation. He wrote: "The apprentices and wage earners . . . often work in conditions of semi-slavery."

Ignorance, greed and corruption ensure that the law is widely flouted in rural India. A Supreme Court Commission estimates that 75,000 children work in the carpet industry alone—most of them bonded workers. Anti-child labour campaigners put the figure at 300,000. Carpet industry employers maintain such figures are "lies" and insist there is no bonded child labour in the industry. The events of Satyarthi's rescue raid, which I witnessed, suggest otherwise.

The mission begins the morning after our tense meeting with the magistrate. Somewhat to our surprise, Singh has been as good as his word and arranged for a junior magistrate and four policemen armed with ancient ex-army rifles to travel with us. (It later emerges that Singh also found time to warn carpet industry bosses about the raids, as Satyarthi had feared.)

One father, Paltan Ram, said he sold his eight-year-old son Madan Lal to a loom owner for Rs500. Only later did he realise he, along with other parents, were losing their children for good.

To their horror, they discovered loom owners banned home visits and, sometimes, contact of any kind. Paltan Ram says when he tried to visit his son, he was driven away by a man armed with a shotgun.

Satyarthi tries to reassure the fathers as they stand in silence waiting for the rescue to begin. The junior magistrate seems distinctly unhappy about his assignment. Perhaps he is afraid there might be violence—as there was on previous rescue raids. Perhaps he does not relish the idea of challenging the carpet industry bosses, a power in the land of Mirzapur.

We drive out of the city in a dusty convoy of battered vehicles. Along the roadside stand the weavers' workshops, mostly huts housing a weaver and his family and one or two wooden looms. Every so often, there are large factories and warehouses—the premises of exporters who dominate the industry. They take orders from overseas buyers and then parcel out work to the loom owners, who in turn employ the weavers.

As we reach deeper into the countryside, the road deteriorates into a sandy track. The cars swerve constantly to avoid children, animals and the occasional bullock cart. The boys' fathers sit in silence, their faces drawn and fingers clenched. Satyarthi says he is worried that the delays may have given the loom owners a chance to learn about the planned raids.

As we near the first of the two chosen villages, the vehicles slow down and stop. We jump out and run through a maize field to some mud-brick huts surrounded by trees. Satyarthi heads straight for a large hut with a loom outside it, and discovers three boys cowering inside.

Satyarthi rushes outside. "There must be more. Search everywhere," he shouts to his fellow campaigners. The activists fan out across the village and into the surrounding fields. They find three more boys. Six altogether. Satyarthi is disappointed—he had expected eight. The loom owner is also missing.

Satyarthi urges the group back into the cars—it is essential to reach the second village before word about the first raid spreads. Already about 50 villagers are milling around us. As before, we drive as close as possible to the village, and then rush in on foot. Satyarthi sprints into a courtyard where the looms are housed behind walls studded with broken glass. But it is too late. The boys he expected to find are gone.

Paltan Ram, Madan Lal's father, is distraught. "I want to die," he says, tears welling up in his tired, blood-shot eyes.

They drag him before the junior magistrate, demanding action. "What are you waiting for? The parents are here. The loom owner is here. You have the power to hold a summary trial," shouts Satyarthi. He pulls out a file containing the details of child labour legislation. "the maximum penalty is three years' jail," he says, glaring at the loom owner.

The junior magistrate now seems more uncomfortable than ever. As he sits wondering what to do, the loom owner's servants come out with water and biscuits and beds for the visitors to sit on. Satyarthi takes written statements from the fathers, including lines expressing their fears that the loom owner might kill their children. He threatens the loom owner, saying he would be charged with kidnapping unless he produced the boys.

For more than an hour, we sit in the sun as the junior magistrate, the loom owner and Satyarthi talk and shout at each other. Eventually, the loom owner caves in and promises to surrender the children. He leaves, accompanied by the junior magistrate. Another 30 minutes' wait. Finally, the junior magistrate and the loom owner return, bringing with them three boys. Shyly, they take their fathers' hands, barely understanding what is going on. Among them is Madan Lal.

Paltan Ram hugs his son saying: "I feel so good." Madan Lal allows Satyarthi to examine him. His arms are covered with scars from scabies, caused by a common allergy to wool. On one finger he has a cut, black with diesel oil, which the loom owner applied to the wound to stop the blood from staining the carpets.

The junior magistrate reluctantly arrests Govind Singh, the loom owner. Satyarthi is triumphant. The rescued boys and their fathers walk quietly back to the cars, overwhelmed by what has happened.

Back in Mirzapur, the boys are registered by clerks at the district magistrate's office. Madan Lal is the youngest. The oldest is 15 and has spent five years at the loom. All look thin, and several have signs of scabies.

For the most part, the boys have few complaints about their food, which consisted of thin soups, vegetables and bread. But in almost every other way they were abused. They worked 12 hours a day from 6am to 6pm, with three half-hour breaks for meals—seven days a week, every week of the year.

They were rarely allowed out of the huts in which they worked and slept. One says: "Even when I went to relieve myself (in the fields), someone went with me."

They were never paid. If they worked slowly, they were beaten, sometimes with a wooden stick. Worst of all was the common treatment for cuts to the fingers suffered during weaving. The loom owners would scrape the powder off a match on to the wound and then set fire to it to staunch the bleeding. "It hurt very much," says 12-year-old Chilatra Choudhray.

Above all, the children suffered acute psychological distress. Madan Lal's only thought was for his mother. "I always missed my mother. I always cried for my mother but there was nobody there to listen."

Satyarthi says that since the early 1980s, he has helped in the release of 5,000 children, almost all of them Untouchables. He has won financial support from western charities such as Britain's Christian Aid and Bread for the World, a German group.

The employers, he says, only started to take notice when he began publicising the raids—which is why he invites journalists along.

Now he is trying to generate interest in the plight of Indian child labourers in Europe and the U.S.—where the bulk of Mirzapur's carpets are sold. He believes that if western consumers can be taught to take notice of the fate of whales, they can also be made aware of the sufferings of child labourers.

Carpet industry leaders loathe Satyarthi. Despite the evidence, including the Supreme Court Commission's survey, they flatly deny the existence of large-scale bonded labour. "There may be isolated cases in remote villages, but no more," says Mr. Prakash Chandra Jaiswal, president of the All India Carpet Manufacturers Association, and a prominent exporter.

Jaiswal claims that allegations of parents selling children to loom owners stem from a misunderstanding. In such transactions, loom owners have merely made loans to the parents—advances on the wages the children will earn. Moreover, such cases concern a small minority of children. Most child labourers work in the homes of their parents or relatives where they learn a valuable trade.

Nevertheless, Jaiswal and his fellow employers are worried enough to have planned counter-measures. With the support of the textiles ministry, they intend to begin to inspect looms. Any weaver found employing non-family children will be blacklisted.

A breakaway group of carpet manufacturers is even introducing early next year a special trademark certifying carpets as "made with child-free labour". However, Satyarthi does not trust the employers. He argues checks will be worthless unless they are carried out with the co-operation of campaign groups.

India has been particularly slow in ensuring that children attend school. Elsewhere, education has proved a valuable way of teaching parents that their children are worth nurturing, if for no other reason that their ultimate earnings will be higher with education than without.

Myron Wiener, an American social scientist and author of The Child and the State in India, says just 38 percent of Indian children complete five years of education, compared with 70 percent in China. Wiener argues that it is not poverty which prevents India investing more in its children but caste prejudices.

Upper caste Indians, who dominate central and local administration, simply do not care enough about the children of the lower castes. Satyarthi agrees: "I hate caste. After I started eating with Untouchables, my own family refused to eat with me. But I chose what I wanted to do. It is the Untouchables who suffer the most."

INTRODUCTION OF THE GENERAL AVIATION REVITALIZATION ACT OF 1993

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. GLICKMAN. Mr. Speaker, I rise today to introduce the General Aviation Revitalization Act of 1993, legislation which has the potential to resurrect the ailing general aviation industry in this country. I am greatly encouraged by the strong support of the 220 original cosponsors who have joined Congressman HANSEN and me in introducing this important legislation. I am gratified that a majority of my colleagues have chosen to support this bill.

Unlike my previous legislation seeking product liability reform, the General Aviation Revitalization Act of 1993 does not create a Federal standard of liability or limit the jurisdiction of any State court. It does not attempt to change existing State laws with regard to joint and several liability, comparative fault, or punitive damages. It simply attempts to restore some level of predictability in U.S. product liability law as applied to general aviation products.

The bill creates a 15-year statute of repose, or time limit, on civil actions brought against an aircraft manufacturer or a manufacturer of component parts. No civil action for damages arising out of a general aviation accident may be brought against the manufacturer of the aircraft, if the accident occurred more than 15 years after the aircraft's delivery to its first purchaser. In the case of component parts alleged to have caused the damages, no civil action may be brought more than 15 years after the date of the replacement or addition.

This year, the President's National Commission To Ensure a Strong Competitive Airline Industry has included in its list of recommendations a 15-year statute of repose. We have well over 200 original cosponsors, and the stage is set for the general aviation industry to finally get some relief from the outrageous liability costs incurred by the explosion of litigation over the last decade.

It is no overstatement to say that passage of this bill will provide a strong future for the American general aviation industry. My home town of Wichita, KS, as the home to Beech, Cessna, and Learjet, has been hard hit by the continuing decline in the general aviation industry.

Low-cost piston engine aircraft have been the victims of the liability situation. The kind of plane you do not have to be a millionaire to own is not made anymore because the cost of liability is prohibitive. Corporate jets are still selling, but Cessna and Beech used to make the planes that young pilots learn to fly in and which spark people's interest in flying. Existing piston trainer fleets are aging, and the cost of buying replacement aircraft may put flying lessons out of most people's reach. We already have a shortage of licensed pilots. What about the future?

The other tragedy is that the United States is losing another industry in which we were once preeminent. Cessna, Beech, Piper, and others are being forced out of business because of their past success. American companies, which literally built the aircraft industry, are potentially liable for any claim arising from the hundreds of thousands of aircraft in the marketplace over the last 70 years.

Foreign manufacturers, not encumbered by the high liability costs of American manufacturers, are moving rapidly to fill the void. In 1980, there were 29 manufacturers of piston aircraft in the United States and 15 foreign manufacturers. In 1992, there were 9 U.S. manufacturers and 29 foreign manufacturers of piston aircraft. At a time when we are all concerned about the competitiveness of American manufacturers, we are witnessing the demise of a high-technology industry that historically has contributed greatly to the domestic economy and our balance of trade.

In 1993, the average single-engine piston aircraft in the U.S. fleet will be 27 years old. Each one of these planes represent a liability risk of unknown proportion to the manufacturers because the general aviation industry is perceived as having the deep pockets necessary for large recoveries.

Piper Aircraft recently spent $1 million to win a 2-year court battle in a lawsuit involving a pilot who tested positive for cocaine. The plaintiff's attorney argued that the pilot's aircraft was not crashworthy enough to protect him while he was under the influence of the drug. Although Piper won a favorable verdict, at $1 million a case, with thousands of potential cases, how long can any company afford to keep winning?

Despite a steady improvement in safety, liability costs are the largest single cost component in the manufacture of an airplane, pushing the price of new aircraft beyond the reach of many consumers. The direct result has been a drop in new aircraft sales from 18,000 units in 1978 to only 899 in 1992, the lowest number ever. Cessna Aircraft has not produced a piston-engine plane since 1986, Piper Aircraft is currently in bankruptcy, and Beech Aircraft is no longer producing light training aircraft. Over 70 percent of the jobs in the industry have been lost since 1980.

A statute of repose has the support of the manufacturers and users of general aviation—a unique combination for product liability reform legislation. Also, for the first time ever, the bill has been endorsed by the International Association of Machinists and Aerospace Workers, and I am very pleased to have the support of the thousands of workers who build

aircraft and component parts. This bill is supported by the entire general aviation community, the Aircraft Owners and Pilots Association, the National Business Aircraft Association, and the General Aviation Manufacturers Association.

Although it has been difficult in years past to get movement on liability reform legislation in the House of Representatives, I strongly believe that with a new approach and a new administration, we can begin now to start the ball rolling.

This bill won't solve all of the aviation industry's problems, but it puts a balance back into the market. It is a straightforward approach to stimulating an industry that deserves to be kept alive. We keep talking about NAFTA, about being leaders, and about cultivating employment—well, here's an opportunity that doesn't require any risk and will create thousands of jobs for deserving Americans. And, it will ensure that U.S. companies can, once again, compete in a market they used to dominate. We shouldn't allow foreign companies to walk in and take over the industry we once led.

The entire general aviation community supports this bill. Both manufacturers and consumers. The President's Commission to Ensure a Strong Competitive Airline Industry just endorsed it, and the International Association of Machinists supports it. I hope all of my colleagues, on both sides of the aisle, will support it. Your support will bring jobs to your district and pride to your country.

Congress has the power to hand the aviation industry back to America. We shouldn't shirk this opportunity. I urge my colleagues to become cosponsors of this bill and I thank the Speaker for this time.

INTRODUCTION OF THE GLICKMAN/HANSEN GENERAL AVIATION BILL

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. HANSEN. Mr. Speaker, today, in conjunction with my friend and colleague DAN GLICKMAN, I am introducing a bill to amend the Federal Aviation Act of 1958 to establish a 15-year limit on civil actions for damages arising out of a general aviation accident. Under this bill, no civil action may be brought against the manufacturer of the aircraft or the manufacturer of any component part, if the accident occurred more than 15 years after the aircraft's delivery to its first purchaser.

This is a simplistic approach to stimulate an industry, which in my opinion, is America's claim to preeminence. Single-engine aircraft are the backbone of the general aviation fleet, but production has dropped significantly over the last 15 years. You may not realize how devastating the onslaught and threat of civil suits has been to this industry, but production has diminished considerably and private pilots no longer have access to affordable, U.S. made, light aircraft.

In 1978, 18,000 units were sold, compared to only 899 in 1992. You can easily see why over 50 percent of jobs once held by hard-working Americans have been lost. There's only one reason domestic aviation has taken such a beating—an overactive plaintiff's bar.

While many of the 18 million lawsuits filed in 1992 were justifiable, a large number of them were created by trial lawyers seeking inflated awards for themselves and their clients. The manufacturers of light aircraft are viewed by trial attorneys as having infinite funds—the deep pockets necessary for large recoveries. Currently, there is no limit to a manufacturer's liability and they can be held responsible for every plane they ever made.

Cessna alone is spending over $21 million a year just to defend themselves. This is $21 million that could, and should, be used for research and development. Companies cannot afford the legal fees that have become a constant drain on resources; therefore, they have quit making the product.

The lawsuits continue, in spite of the fact that light aircraft are safer than ever. Since the 1940's, the number of fatal accidents involving small planes has declined by 700 percent. Studies indicate that 93 percent of the accidents that do occur are beyond the manufacturer's control. Pilot error, weather, and maintenance are the leading causes of accidents today.

IN MEMORY OF R.J.R. JOHNSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. VENTO. Mr. Speaker, I'd like to take a moment to remember a good friend, Bob Johnson, who recently passed away. Bob Johnson was a reporter and editor for the St. Paul Pioneer Press, my hometown newspaper.

Bob Johnson was an honest and decent man and we will all miss him very much. Minnesota has lost a respected friend and talented journalist.

I'd like to submit his obituary and a Pioneer Press editorial in memory of Bob Johnson. May his memory encourage others to succeed and accomplish.

[From the St. Paul (MN) Pioneer Press, Aug. 1, 1993]

R.J.R. JOHNSON, PIONEER PRESS REPORTER, EDITOR, DIES IN ST. PAUL

(By Wayne Wangstad)

Robert J. R. Johnson, a longtime reporter who became associate editor of the Pioneer Press editorial page, died Saturday at Bethesda Lutheran Hospital of lung disease. He was 62.

Known as "R.J.R." to his colleagues, Johnson started working for the Pioneer Press as a copy boy in 1952, shortly after receiving a bachelor's degree in journalism from the University of Minnesota.

Johnson's reporting career started in 1947 during a two-year stint as a sportswriter for his hometown newspaper, the Deer River (Minn.) News.

Initially, Johnson was a general assignment writer and reported on a wide range of subjects. He later became a specialty writer and reported on education, city government, science and medicine. He also was an investigative reporter and covered the environment before he became an assistant city editor on the St. Paul Dispatch. The afternoon paper was later merged with the Pioneer Press.

Johnson edited the Pioneer Press Sunday Magazine, served as the Issue editor, then as an editorial writer and chief editorial writer before being named associate editor of the editorial page, the post he held when he retired in 1990 with 38 years of service.

In 1960, he won a National Science Foundation science writer grant. Two years later, his two-part series on the plight of Indians in northern Minnesota won praise from the U.S. commissioner of Indian affairs and the Minnesota Band of Chippewa.

One of Johnson's major reporting assignments came in 1965, when he traveled to Antarctica with Operation Deep Freeze to report on Minnesota contributions to the research program. Johnson Peak in the Hart Hills of Antarctica was named for him in recognition of his work as a correspondent for the Pagano Nunatak-Hart Hills expedition of 1964–65. The designation was proposed in 1980 by Dr. Gerald Webers of the Macalester College geology department and approved by the U.S. Board of Geographic Names in 1982.

George Latimer, former St. Paul mayor who is special assistant to the director of the federal Housing and Urban Development Department, said Johnson brought a special integrity to his work.

"Being fair and accurate to all sides of an issue was so important to him," Latimer said. "He really wasn't capable of a cheap shot; it just was not in his makeup. He had a good sense of humor and could laugh at the vagaries of politics."

John R. Finnegan, retired executive editor of the Pioneer Press and Dispatch, said Johnson was a strong writer and editor who displayed special strength in covering city and metropolitan affairs.

"As an editorial writer, he was one of the reasoned voices on the editorial page, particularly in local government, conservation and the environment," Finnegan recalled, "He was a person you could always count on."

A music lover who played both piano and accordion, Johnston also had a particular fondness for model building and model railroading.

In the basement of his home, he recreated the old Minneapolis & Rainy River line—affectionately known as the Gut & Liver—a railroad that ferried food and manpower to logging camps in Itasca County and the area near his Deer River home.

Survivors include his wife, Beverly Mindrum, Pioneer Press night city editor, two sons, Erik K. and Christian S.J., both of St. Paul; a brother, John W. of Irving, Texas; sisters Genevieve Rassmussen of Apple Valley and Margaret Hogan, formerly of Kerrick, Minn., and currently of Moose Lake.

Visitation is scheduled for 4 to 8 p.m. Monday, with a 7 p.m. prayer service, at the Willwerscheid and Peters funeral chapel at 1167 Grand Ave., St. Paul. Funeral services are scheduled for 10 a.m. Tuesday at St. Luke's Catholic Church, Summit Avenue and Lexington Parkway. Interment will be in the Oakland Cemetery, St. Paul.

[From the St. Paul (MN) Pioneer Press, Aug. 3, 1993]

ST. PAUL LOSES CHAMPION

(By Ronald D. Clark]

When he was born in Deer River, his parents gave him the name Robert Joseph Johnson. At some point in his youth, though, he began to worry about how people would distinguish him from the countless other Robert Johnsons in Minnesota. So he devised his

own solution. He added a middle initial, R, that to the best of my knowledge stands for nothing. Instead of Robert J. Johnson, he became Robert J.R. Johnson. Or R.J. squared .

There was nothing either square or bland about Robert J.R. Johnson, a colleague on the editorial page staff of this newspaper until he retired in December 1990. You don't overcome a deformed foot, cope with an addictive personality and become a prize-winning journalist, fighting for a better life for Native Americans in Minnesota and trailing scientists in Antarctica, by being square and bland.

Bob said goodbye to the Pioneer Press 2½ years ago after 38 years of duty as a copy boy, reporter, editor, editorial writer and, finally, as associate editorial page editor. I and many of his friends at the Pioneer Press will say goodbye to him today. Bob died Saturday at age 62. His lungs—destroyed by too many cigarettes—had ceased doing their job.

Even though he stood no more than 5 feet 5, and even though he rarely raised his voice, you'd never have trouble finding him in a crowd.

His stature came from his intellect, from a mind that knew how to argue with facts rather than emotion, from a disarming smile and from a bit of folksiness that could be both captivating and unnerving.

As a Jackpine Savage, Bob never would be mistaken for a society dandy.

But neither would he be judged as cold, impersonal, uncaring, wrapped up in himself. The doors on the St. Paul house he and his wife Bev kept were always open to a succession of nieces, nephews, mothers and neighbor children. Many relatives—including Broadway and movie actor Peter MacNicol, a nephew—lived there at one stage or another of their lives.

Bob's passion for St. Paul was equaled only by his disdain for all things Minneapolis. In his mind, St. Paul was virtue; Minneapolis, vice. That's how he talked in our editorial board meetings. I'm sure it wasn't just an act.

St. Paul has lost one of its most devoted advocates. Journalism has lost an inspiring professional.

A 25TH ANNIVERSARY TRIBUTE TO THE GREATER HARVEST BAPTIST CHURCH

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to pay tribute to one of Philadelphia's most celebrated and respected religious institutions. As the Greater Harvest Baptist Church prepares to burn its mortgage and commemorate its 25th anniversary, I would like to take a moment to reflect on this beautiful house of our Lord Jesus Christ.

Known throughout Philadelphia as God's strongest spiritual workshop, the greater Harvest Baptist Church was founded on September 15, 1968, under the pastorship of Rev. Dr. D.P. Neely. After moving to several locations, the congregation finally found a permanent home in May of 1970 at 1409–17 Master Street in Philadelphia. Consecration services were held and the building soon embodied the spirit of our Saviour and King.

Mr. Speaker, throughout its 25 years of existence, the congregation of Greater Harvest Baptist Church has always sought to make our world a better place. The exceptional ministry of the church has indeed left the halls of the sanctuary, and has become an effective voice for the betterment of our entire community.

On September 18, 1993, Greater Harvest Baptist Church will celebrate its 25th anniversary by burning the mortgage to the property which is now paid in full. This important symbolic event will signify the self-sufficiency and determination that has always marked the will of this reverent and powerful congregation.

Mr. Speaker, I would now like to ask my colleagues to rise and join me in paying our greatest tribute to Philadelphia's beloved Greater Harvest Baptist Church. May this faithful and humble flock to Jesus Christ always shine as a symbol of His unfailing love and righteousness. Thank you, Mr. Speaker.

AVIATION INFRASTRUCTURE INVESTMENT ACT OF 1993

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. OBERSTAR. Mr. Speaker, on September 14, the Committee on Public Works and Transportation filed the report to accompany H.R. 2739, the Aviation Infrastructure Investment Act of 1993. In doing so, section 201, a provision to ensure that airline passengers will continue to receive notice in advance when airline fares are going to increase and when special discounts fares will end, was deleted from the bill as ordered reported.

For purposes of explaining that action, Chair MINETA joins me in submitting the following statement for the RECORD.

Sec. 201 was necessitated by a proposed consent decree in a pending antitrust law suit brought by the Department of Justice against eight major airlines. Under the decree airlines would be prohibited from giving advance notice of fare increases and would have only limited ability to give notice of when discount fares will end. Although the consent decree is not final, a number of major airlines are complying with its terms, to avoid possible future liability.

The Aviation Subcommittee received many complaints about these provisions of the consent decree from travel agents and consumer groups, including the Aviation Consumer Action Project, a Ralph Nader organization. At hearings held by the Aviation Subcommittee, these groups testified that these provisions of the consent decree would have serious adverse affects on consumers. Without advance notice of when fare increases are going to take effect many consumers would pay higher fares, or be forced to buy tickets at an earlier date than would be in their economic interest.

Following the hearing, the committee decided to report legislation to authorize airlines to continue to furnish advance notice of fare changes. In making this decision, we noted that the Department of Justice does not claim that the furnishing of advance notice of fare changes is illegal in and of itself. Justice claims only that the notice has sometimes been used as part of a broader scheme to fix prices. If Justice ultimately proves successful in establishing this conspiracy, the remedies in the case can outlaw the illegal conduct of using advance notice as part of a process for fixing prices. It is not necessary to also outlaw advance notice, when it is not part of an illegal conspiracy.

The committee decided to include the provision allowing advance notice of fare changes in a broader bill reauthorizing programs to develop the Nation's airports and air traffic control system. After our decision was reached, another House committee, the Committee on the Judiciary, advised us that the provision also fell within their jurisdiction over the antitrust laws and that they would not be able to immediately reach a decision on whether to support our legislation.

Under the House rules, this would mean that the aviation funding bill would be delayed beyond October 1, when existing authorizations for funding expire. Rather than cause this delay in badly needed funding to develop our aviation infrastructure, we decided to drop the advance notice provisions from the bill.

However, we have not lessened our determination to deal with the consumer problem which has been created by the consent decree in the antitrust case. We have asked the Attorney General of the United States to review the Department's decision to request a ban on advance notice of fare changes, a decision which was made by a relatively low-level political appointee in the final days of the Bush administration. If the problem cannot be satisfactorily resolved by the Attorney General, we intend to go forward with separate legislation to ensure that consumers will continue to receive notice of when fares are going to change. The Judiciary Committee has advised us that it would be prepared to consider this separate legislation promptly.

100TH ANNIVERSARY OF SVOBODA

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. HUGHES. Mr. Speaker, today I would like to call my colleagues' attention to the 100th anniversary of Svoboda, the official newspaper of the Ukrainian National Association. This remarkable publication which was first printed in New Jersey, has been a valuable source of information for Ukrainian-Americans since its inception.

Early Ukrainian immigrants turned to Svoboda to maintain their ties to the Ukrainian community and their unique cultural identity. Over the years Svoboda has played a critical role in alerting Americans to Ukraine's continuing quest for independence which it ultimately realized in 1991.

Svoboda, which means liberty is truly a fitting name for this historic newspaper. I salute the Ukrainian National Association on its many years of success and I look forward to many more years of Svoboda.

TRIBUTE TO DETECTIVE SERGEANT RAYMOND PAQUETTE ON THE OCCASION OF HIS RETIREMENT AFTER 25 YEARS OF SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to Detective Sergeant Raymond Paquette who is retiring from the Michigan State Police after 25 years of service.

Detective Sergeant Paquette is originally from Algonac, MI and graduated from Algonac High School in 1964. From there Ray went to Saginaw Valley State University and graduated in 1969 with a major in Sociology and a minor in Biology. Detective Sergeant Paquette then began his career with the Michigan State Police when he enlisted on June 23, 1968.

Detective Sergeant Paquette's first assignment was as trooper at Brighton Post from September 1968 through February 1972. His next move was to the East Lansing Laboratory for the next 3 years until February 1975, and then to the Bridgeport Laboratory until May 1979. It was then that we in Bay City were lucky enough to have Detective Sergeant Paquette assigned to the Bay City Post from May 1979 until today.

Detective Sergeant Paquette has been recognized four different times during his career with professional excellence awards. In addition to his duties with the Michigan State Police, Ray has taught search and seizure and crime scene processing under the MLEOTC program at Delta College for the past 12 years.

Detective Sergeant Paquette leaves the Michigan State Police to join his wife Nora and children Karl, Andrea, and Nicole in what I call a well deserved retirement. Ray will be sorely missed but we wish him the very best and thank him for the 25 years of service to Michigan and most especially to our local community.

THE WOMEN'S HEALTH EQUITY ACT OF 1993—STRONG AND SOLID

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1993

Mrs. SCHROEDER. Mr. Speaker, yesterday the congressional caucus for women's issues proudly introduced the Women's Health Equity Act of 1993. As cochair of the caucus, I am especially excited because the Women's Health Equity Act already has overwhelming support from women around the country.

The Women's Health Equity Act package addresses a range of women's health issues—from increasing research on women and breast cancer, ovarian cancer, osteoporosis, lupus, and AIDS to developing effective programs to integrate women's health into medical school curriculum, promote smoking cessation in WIC clinics, and offer preventive health care services like pap smears, mammographies, and bone mass measurements.

The caucus has been fighting for many of the issues in the Women's Health Equity Act since the GAO discovered that women and minorities were excluded from clinical trials. Since the GAO report, the caucus has identified additional outrages in women's health research and service delivery, which our new package confronts.

For instance, a GAO report released last year discovered that women were systematically left out of FDA sponsored drug trials. Representative OLYMPIA SNOWE and I have developed two bills in our 1993 package to end this inequity. Representative MARILYN LLOYD and I are sponsoring two bills to improve women's health services and foster additional women's health research at the DOD and the VA, two agencies who are notorious for side-stepping women's health issues. Finally, the package includes my legislation to increase research on RU 486 and other antiprogestins, to establish an outreach program for women with eating disorders, and to ban female genital mutilation in the United States—a procedure that damages otherwise healthy women for life.

Women know that a comprehensive, holistic health care system is the most effective system for them. If you pull one part of that system away—the whole thing will unravel. That is why the Women's Health Equity Act of 1993 is a strong and solid package. Women have already made health care a priority for themselves and their families—the Women's Health Equity Act makes women a priority in health care reform.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 16, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

2:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on S. 1406, to make the Plant Variety Protection Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory.

SR–332

SEPTEMBER 21

9:30 a.m.

Governmental Affairs

To hold hearings to examine environmental problems in the Federal Government.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to mark up S. 1275, to facilitate the establishment of community development financial institutions, and to consider other pending calendar business.

SD–538

2:30 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the North American Free-Trade Agreement's effect on U.S. agriculture.

SR–332

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 986, to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, S. 1033, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, S. 1341, to establish the Wheeling National Heritage Area in the State of West Virginia, and H.R. 1305, to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

SD–366

Labor and Human Resources

To hold joint hearings with the House Energy and Commerce Committee's Subcommittee on Health and the Environment to examine issues relating to the use of pesticides.

2123 Rayburn Building

SEPTEMBER 22

9:30 a.m.

Armed Services

To hold hearings on the nomination of Gen. John M. Shalikashvili, United States Army, to be Chairman of the Joint Chiefs of Staff.

SH–216

Commerce, Science, and Transportation

To hold hearings on the nomination of Reed E. Hundt, of Maryland, to be a Member of the Federal Communications Commission.

SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

10:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of Jane Alexander, of New York, to be Chairperson of the National Endowment for the Arts, National Foundation on the Arts and the Humanities.
SD–430

SEPTEMBER 23

9:00 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.
EF–100, Capitol

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 687, to regulate interstate commerce by providing for a uniform product liability law.
SR–253

Environment and Public Works
To hold oversight hearings on implementation of programs of the Clean Air Act Amendments of 1990.
SD–406

SEPTEMBER 27

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Diane Blair, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.
SR–253

SEPTEMBER 28

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to reorganize the Department of Agriculture.
SR–332

OCTOBER 6

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up proposed legislation to reorganize the Department of Agriculture.
SR–332