HOUSE OF REPRESENTATIVES—*Wednesday, November 10, 1993*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. MAZZOLI].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 10, 1993.

I hereby designate the Honorable ROMANO L. MAZZOLI to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

Dr. Chaim E. Schertz, rabbi, Kesher Israel Congregation, Harrisburg, PA, offered the following prayer:

Our tradition requires that when one is in the presence of august and prominent human beings, he recite the following benediction: "* * * blessed art Thou God our Lord, King of the universe who has bestowed His glory upon flesh and blood * * *."

This is a fitting benediction on this occasion, for the Members of the House of Representatives of the United States of America represent the people of, not only the most powerful nation in recorded human history, but the most decent as well.

The Almighty is a lawgiver whose laws reflect above all the ability to combine the absolute demands of justice with the grace which is expressed in mercy.

We pray that God grant that clarity of vision to the lawmakers of our country. Without just laws no nation can long prevail. Without merciful human beings, no nation should prevail.

We offer this prayer on the eve of Veterans Day. We remember the men and women who offered their lives so that this Nation may continue to rest on the twin pillars of justice and mercy.

May God grant that the efforts of this House continue to give meaning and significance to their sacrifice.

May God bless the United States of America.

Let us say amen.

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 gentleman from Mississippi [Mr. MONTGOMERY] will lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be no 1-minute speeches today, with the exception of one 1-minute requested by the gentleman from Pennsylvania [Mr. GEKAS].

WELCOME TO RABBI CHAIM SCHERTZ

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

Mr. GEKAS. Mr. Speaker, in the section of Harrisburg, PA, which is lovingly known as Uptown, there is one of the nicest institutions in the whole area. Kesher Israel Synagogue. The rabbi of that institution was the individual who rendered the opening prayer today.

He is recognized, as were many of his predecessors, as one of the leading citizens in our community. This particular rabbi is recognized for his learning and his teaching in various parts of the Talmud and the Hebrew scriptures, and is recognized not only as a teacher and a learner, but as one who influences others on a regular basis.

He and his wife and children live in that very same area, very close to the synagogue. He is close to the heart of our community.

CONFERENCE REPORT ON H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded during the debate on this resolution is for the purposes of debate only.

Mr. Speaker, House Resolution 301 is a simple rule facilitating the consideration of the conference report to accompany H.R. 3116, the Department of Defense Appropriations Act for fiscal year 1994. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

As Members are aware, the third continuing resolution expires at midnight tonight and, therefore, it is imperative that the House complete its consideration of this conference report as quickly as possible. The conferees have brought back an agreement which deletes the provision providing for replacement carrier funding, thus satisfying the Committee on Armed Services, which had objected to the inclusion of these funds by the Senate. The conference agreement recommends a total of $240.6 billion in new budget authority for fiscal year 1994 and falls within the section 602(b) discretionary budget authority allocation.

Mr. Speaker, Chairman MURTHA has brought us a bill which was developed under trying circumstances: the need to cut spending while at the same time preserving the ability of our Armed Forces to provide for our national defense. I congratulate him and his colleagues for a job well done and urge adoption of the resolution so that the House may proceed to the consideration of this vital conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of all former marines, present marines, and on behalf of the gentleman from Pennsylvania [Mr. MURTHA] sitting in back of the gentleman from Texas [Mr. FROST], we thank him for his words.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Speaker, I will just briefly say that I support the gentleman from Texas [Mr. FROST] in urging all Members to support this rule.

As Members know, Mr. Speaker, time is of the essence.

This conference report for Defense appropriations is the last outstanding general appropriations bill that must be enacted for the new fiscal year.

It must be signed into law before midnight tonight in order to avoid the necessity of enacting another continuing resolution. I think none of us want to do that.

Mr. Speaker, this rule provides for expeditious action by the House.

Mr. Speaker, as the gentleman from Texas [Mr. FROST] has also indicated, this rule waives all points of order against the conference report itself and against its consideration.

The principal reason for the blanket waiver is simply the fact that the House has not yet taken its final action on the Defense authorization bill for fiscal year 1994.

I understand that a conference agreement has been reached for that legislation, and I hope we will be considering that soon.

But as of this moment, in the absence of a completed authorization bill, the waivers contained in this rule are necessary and, in my opinion, they are justified.

Mr. Speaker, I am convinced that the distinguished chairman of the Defense Appropriations Subcommittee, the gentleman from Pennsylvania [Mr. MURTHA], and the ranking Republican, the gentleman from Pennsylvania [Mr. MCDADE], have done everything humanly possible to accommodate the concerns of authorizing committees.

Indeed, the Rules Committee did not receive any testimony to the contrary, and I can forego my usual skepticism concerning blanket waivers and urge all Members to support this rule.

I do have to say, Mr. Speaker, that I have substantial reservations about the conference report itself.

My concerns are not in any way a negative reflection on the work of Mr. MURTHA and Mr. MCDADE.

Mr. Speaker, I cannot think of any two Members in this House to whom I would be more willing to entrust the security of the country than JOHN MURTHA and JOE MCDADE.

They and the other members of the Committee on Appropriations have done the best they could while having to labor under some extraordinary conditions and some extraordinary restrictions.

It is those larger restrictions, outlined by the administration and contained in the budget resolution, that concern me very, very much.

Mr. Speaker, there is not a single Member of Congress who should rest easily in the knowledge that the planned defense expenditures over the 4-year span of the Clinton administration come in far below what the administration's own Bottom-Up Review has defined as the minimum amount necessary to protect the security of the country and defend our vital interests around the globe.

Mr. Speaker, I referred to a 4-year lifespan for the Clinton administration deliberately, and not sarcastically.

Believe me, Mr. Speaker, this administration is going to be sorely tested overseas in the couple of years ahead.

I pray that test does not come in Korea, because the stakes are so high.

With 70 percent of North Korea's total military capability now poised at the 38th parallel, tens of thousands, even hundreds of thousands or more could be killed in a new Korean war, especially if nuclear weapons become involved. And we all know that that nuclear capability is almost there for North Korea.

□ 0940

I just have to express my profound fear that this administration simply is not up to it. It simply does not appear capable of managing an international crisis. And I think that Members on both sides of the aisle had better sit down and had better talk to our President to make sure that we have a coherent foreign policy that is going to be respected around the world.

An administration which announces its defense cuts first, and then tries to figure out what the country actually needs to defend itself, is not on top of the situation. So I must express my great reservations about this conference report.

But I do believe the process must go forward here today, and I urge support for the rule.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

The motion to reconsider was laid on the table.

Mr. MURTHA. Mr. Speaker, pursuant to House Resolution 301, the rule just adopted, I call up the conference report on the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 301, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, November 9, 1993, at page 28000.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the conference report presently under consideration.

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

There was no objection.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring to the House the conference report on the fiscal year 1994 Department of Defense Appropriations Act.

First, I would like to thank all the members of the Subcommittee but especially the three new members of the Defense Subcommittee, Congressmen VISCLOSKY, DARDEN, and SKEEN. They all provided valuable assistance to the subcommittee during the hearings, the markup and the conference with the Senate.

Mr. Speaker, regarding the fiscal year 1994 Defense appropriations conference report, I would like to make a few points:

A total of $240.6 billion in budget authority is provided in this legislation;

The total is $13.5 billion below the fiscal year 1993 level;

It is over one-half billion dollars below the budget request;

It is below the 602(b) allocation set by the Appropriations Committee; and

It is in agreement with the authorization conference report regarding funding for major systems.

As in any conference with the Senate, there was considerable give and take, and we had to include various provisions and funding levels for programs which were not in compliance with the original House position.

The conference report contains funding in the amount of $474 million for the technology reinvestment program an addition of $150 million to the budget request. Realizing the high priority the administration places on this important program to help defense industries convert their technologies for commercial use, the committee encourages the Department to submit a reprogramming or a supplemental budget request for additional funding for the Technology Reinvestment Program which will then be given priority consideration by the committee.

I would like to insert a table outlining the conference recommendations by title at this point in the RECORD.

BUDGET AUTHORITY

	Fiscal year— 1993 enacted	Fiscal year— 1994 estimates	Conference
RECAPITULATION			
Title I—Military personnel	76,275,025,000	70,083,770,000	70,624,044,000
Title II—Operation and maintenance	69,405,963,000	74,239,308,000	76,616,787,000
Title III—Procurement	55,375,931,000	45,067,328,000	44,663,078,000
Title IV—Research, development, test and evaluation	38,234,848,000	38,620,327,000	35,191,491,000
Title V—Revolving and management funds	1,737,200,000	1,451,895,000	2,643,095,000
Title VI—Other Department of Defense Programs	11,027,823,000	11,082,748,000	11,021,820,000
Title VII—Related agencies	246,600,000	312,088,000	343,588,000
Title VIII—Economic conversion	472,000,000		
General provisions	380,925,000		−569,025,000
Additional transfer authority	(1,500,000,000)	(2,000,000,000)	(2,500,000,000)
Total, Department of Defense	253,156,315,000	240,857,464,000	240,534,878,000
Scorekeeping adjustments	956,424,000	224,067,000	35,067,000
Prior year outlays including H.R. 2118			
Grand total	254,112,739,000	241,081,531,000	240,569,945,000

DECLINE IN DEFENSE SPENDING

Mr. Speaker, in the report accompanying the House-passed bill last September, we spelled out the extent of the decline in Defense spending in the past decade. For example:

First, the fiscal year 1994 budget represents the ninth consecutive year of reductions in budget authority for Defense when measured in constant dollars.

Second, by the end of fiscal year 1994, the active force level will be 513,000 below the level in place when the Berlin Wall came down in 1989. This number is higher than all the forces we had stationed overseas in 1989 and equal to the entire force we deployed to the Persian Gulf during the war with Iraq in 1991.

Third, by the end of fiscal year 1994, the number of civilians employed by the DOD will be 198,000 below the level in place when the Berlin Wall came down.

Fourth, the reduction of 711,000 military and civilians since the Berlin Wall came down is approximately equal to the entire population of San Francisco or Baltimore.

Fifth, the projected uniformed strength by 1997 of 1,400,000 would be the lowest number of personnel in the Armed Forces in 57 years.

Sixth, this year's spending level for Defense as a percent of the gross national product is projected to be the lowest it has been since before World War II with the exception of fiscal year 1948.

Seventh, U.S. military presence either has or soon will be ended, reduced or placed on standby at over 800 overseas installations.

Eighth, a rapid reduction in the U.S. base structure is ongoing.

Ninth, millions of jobs are being eliminated in the private sector as a result of these reductions.

Tenth, the procurement account has declined by 64 percent in 9 years.

Eleventh, budget outlays for national defense as a percentage of the Federal budget are the lowest since before World War II.

In historical perspective and in the perspective of America's total wealth, the funds provided in this budget for Defense are indeed modest.

At this point, I would like to briefly outline some of the highlights of the bill:

TITLE I.—MILITARY PERSONNEL

Bill provides a total of $70.6 billion for military personnel.

Funds provide $1.1 billion over the budget for a pay increase of 2.2 percent for uniformed personnel.

Active force structure declines by 105,000 personnel from fiscal year 1993 level.

Increased the personnel level in the Guard and Reserve by 5,300 above the budget request. This increase for the Marine Corps Reserve, provides for the increase recommended in the Secretary of Defense's Bottom-Up Review.

TITLE II.—OPERATION AND MAINTENANCE

The conferees recommend $76.6 billion, a reduction of $657 million from the budget for Operation and Maintenance.

The conferees added significant amounts to the budget request to redress readiness and operations shortfalls. These include adds for:

	Millions
Depot Maintenance	$236
OPTEMPO	220
Air Force Spare Parts	280
Retrofitting Equipment withdrawn from Europe	154
Maritime and Afloat Prepositioning of War Reserves	65

The conferees fully funded the request of $400 million to continue the demilitarization program for the former Soviet states.

The conferees denied the Administration's request of $448 million for a Global Cooperation Initiatives account which would have financed peacekeeping and humanitarian assistance operations.

As a result of savings from foreign currency rates, the conferees adopted $420 million in savings throughout the O&M accounts.

TITLE III.—PROCUREMENT

Provided $44.7 billion for procurement, a decrease of $10.7 billion from the 1993 level. Highlights follow:

Army:

Apache Helicopters: Added $150 million over the budget for 10 Apache Helicopters, as authorized.

AHIP Helicopters: Added $123 million over the budget for 18 AHIP helicopters, as authorized.

Navy:

DDG–51 Destroyers: Fully funded request of $2.6 billion for 3 destroyers;

F/A–18 C/D Attack Fighters: Funded requested level of 36 aircraft ($1.5 billion);

Trident D–5 Missile: Fully funded request of $938 million for 24 missiles;

Sealift: Increased budget request by $1.2 billion, plus added $50 million for shipbuilding loan guarantees;

Air Force:

C–17 Airlift Aircraft: Funded the request of 6 aircraft at $1.9 billion;

F–16 Fighter Aircraft: Funded 12 aircraft at $400 million, as authorized;

Guard and Reserve Equipment: Conferees added $1.2 billion over budget for a wide variety of equipment for the Guard and Reserve, including $800 million for aircraft procurement.

TITLE IV.—RESEARCH, DEVELOPMENT, TEST AND EVALUATION (RDT&E)

Provides $35.2 billion for RDT&E, a decrease of $3.4 billion from the budget request. Highlights include:

Army:

SADARM: Terminated the SADARM precision submunition.

Comanche Helicopter: Fully funded the RDT&E request of $367 million.

Navy:

AFX: Terminated the AFX tactical aircraft program at a savings of $400 million.

New Attack Submarine: Fully funded the budget request of $476 million.

F/A–18 E/F Attack Fighters: Provided $1.5 billion for continued development.

Air Force:

F–22 ATF (Advanced Tactical Fighter): Provided $2.1 billion, a reduction of $168 million from the budget request.

MILSTAR Communications Satellite: Provided $932 million for continuing the MILSTAR program.

Defense Agencies: Ballistic Missile Defense (formerly SDI): Provided $2.6 billion, the authorized level, and a decrease of almost $1 billion from the budget request.

DEFENSE ECONOMIC CONVERSION

The conferees provided $2.5 billion for defense economic conversion. These funds assist defense workers, military personnel, defense industries and various communities to transition to nondefense commercial enterprises because of the severe impact of the continuing decline in defense spending.

PEACEKEEPING

The conferees agreed to:

First, the Byrd amendment restricting the mission in Somalia and requiring that United States forces withdraw by March 31, 1994;

Second, sense-of-the-Congress provisions stating that there be prior congressional authorization before deployments to Haiti and Bosnia; and

Third, a new general provision expressing the sense of Congress that the President consult with Congress prior to any new peacekeeping or humanitarian deployment and that such operations be funded through new supplemental appropriations.

In conclusion, Mr. Speaker, I would like to reiterate the points I made earlier. The conference report:

Is $13.5 billion below the fiscal year 1993 level;

Is below the 602(b) discretionary budget authority allocation;

Is in compliance with the authorization conference in terms of funding for major programs.

I urge adoption of the conference report.

Mr. MURTHA. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. NATCHER], the distinguished chairman of the full Committee on Appropriations.

Mr. NATCHER. Mr. Speaker, I want to thank my friend from Pennsylvania for yielding me this time, and I want you and all of the members to know that I rise in support of the Defense appropriations conference report. Upon adoption of this conference report, the House will have concluded action on all of our 13 regular appropriations bills. Mr. Speaker, yesterday we completed action on the Interior conference report and I understand that the Senate will take up this conference report today, clearing it for the President.

Mr. Speaker, I want to thank everyone for the help they have given me and the committee. I want to thank the 12 other committee chairmen and the 13 ranking members on the subcommittees and especially my good friends, JOE MCDADE, and JOHN MURTHA of Pennsylvania. These are two of the able Members of the House, and I want you to know that I appreciate your help at all times.

My appreciation applies not only to the members of the committee, but also to our excellent staff, Mr. Speaker, When we are at our homes here in Washington at night, our staff is still here on the Hill working on our bills.

Mr. Speaker, on the Appropriations Committee, we try to do it right—we work together—both sides of the aisle—to get our work done. We all work together as a team to do a good job the right way.

Mr. Speaker, the current continuing resolution expires at midnight, tonight. Yesterday, out of an abundance of caution, I introduced House Joint Resolution 288 which was a simple date extension to the current continuing resolution until November 16. I did this in the event the Interior or Defense conference reports were not acted on by midnight today. Because action on these conference reports is expected to be completed today, there is now no reason to extend further the continuing resolution, and therefore I will not be calling up House Joint Resolution 288.

Again, I want to thank all Members for their cooperation at every step of the way this year as we acted on our fiscal year 1994 regular appropriations bills. On the Committee on Appropriations, we appreciate this cooperation.

Mr. Speaker, we support this conference report.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report and urge its adoption.

I must begin by expressing my deep appreciation to all the members of the conference committee for one of the smoothest and workman-like sessions I've seen in my 29 years as a member of the Appropriations Committee.

We confronted dozens of tough issues, but throughout addressed them forthrightly and without rancor—and for that I must point to the leadership of my colleague from Pennsylvania, as well as that of the senior Senators from Hawaii and Alaska who as always helped guide us to a satisfactory conclusion. And I must recognize the Members on our side—BILL YOUNG, BOB LIVINGSTON, JERRY LEWIS, and the newest member of the Defense Subcommittee, JOE SKEEN, for their contributions in the conference and throughout the year.

Mr. Speaker, it is no secret that I and many Members in this Chamber are gravely concerned about the future of our military and security posture, given the direction that the administration wants to take us in terms of deep defense cuts.

I simply don't believe we can meet our global commitments while maintaining a quality force under the 5-year budget numbers for Defense that we are looking at. In particular, we are running a very real risk of returning back to the days of a hollow force.

That concern has overshadowed each and every decision taken in the Defense Subcommittee this year. And I am pleased that same philosophy carried through to our conference with the Senate. That is why I support this conference report.

Throughout this bill you will find a series of actions targeted toward maintaining a quality military:

Some $1.1 billion added over the budget for a military pay raise;

Over $1 billion added to the operating accounts, attacking shortfalls in training and maintenance funding;

And nearly $300 million over the budget for medical care for military families.

There's many other good decisions, such as robust funding for sea and airlift all targeted to give us a flexible and responsive force.

Regarding major weapons decisions—such as ballistic missile defense, F-16 production, and the like, this agreement incorporates the decisions made by the Defense Authorization conferees.

To sum up, while not perfect, this bill shapes the continuing builddown in a way that keeps our forces flexible and responsive. The real challenges will come next year and beyond—when the Clinton defense cuts really begin to bite. Let me remind all of you, the vast majority of the Clinton cuts—over $110 billion—have yet to be seen. Mr. Speaker, just wait until next year and beyond.

Then, I fear all of us will be confronted with a hard question: Do we in fact want to keep a quality military, capable of responding to the growing requirements of an increasingly troubled world? If we do, then we will have to pay for it.

In the meantime, we need to do what we can to sustain and support our men and women who continue to go in harm's way, in the midst of so many changes. We have done our best to do just that, in the face of continued cuts and reductions, and as a result I ask for quick and favorable consideration of this conference agreement.

Mr. Speaker, I yield back the balance of my time.

Mr. MURTHA. Mr. Speaker, I want to compliment the gentleman from Pennsylvania, JOE MCDADE, and the whole committee. This was the toughest bill we have had.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of section 8137 of the Defense appropriations conference report. This section would do two things.

First, it directs the Department of the Navy to modify and transport a small landing craft to the territory of American Samoa. Second, it authorizes the Department of Defense to transport surplus medical equipment to American Samoa.

Mr. Speaker, American Samoa has been undergoing significant financial problems for the past several years. There is only one hospital in American Samoa, and that hospital is operated by the local government. The government's deficit and cash-flow have gotten so critical in recent years that the local hospital no longer has the basic medical equipment and supplies that are necessary to meet the needs of the Americans living in the territory. Even the territory's pharmaceutical supplies have been depleted at various times over the past months.

Another example of the poor condition at the hospital is with only one sterilizer which at times it is not operable, there are times when surgical tools are boiled in an effort to sterilize them. This eventually leads to the use of unsafe, rusty equipment. Even equipment such as beds and bed sheets are in short supply.

Mr. Speaker, the conditions at the hospital are so serious, that 2 weeks ago, the Governor of American Samoa declared a state of a medical emergency. A copy of that declaration is attached to the end of my statement.

As the Government slowly works its way out of its deficit, the assistance from the Department of Defense in transporting this medical

equipment will ease the pain of the suffering, probably save some lives, and eventually save some taxpayer money by improving the efficiency of the Government's medical operations.

Mr. Speaker, the land portion of American Samoa is comprised of five inhabited islands, which are nearly 200 miles apart. There is an immediate need for a vessel to transport cargo, freight, and passengers among the various islands of the territory. The last operable boat in Samoa capable in transporting heavy cargo among the islands is decades old and on its last legs. Regularly, this vessel is undergoing repairs, and during those times there is no vessel available to transport the diesel oil needed to provide electricity to the outer islands. Even basic items of personal comfort such as stoves and refrigerators cannot be transported without such a vessel.

Finally, Mr. Speaker, each trip to the outer islands costs the government approximately $2,800 is fuel alone. Currently, because there is no certified vessel, the local government is prohibited by Federal law from charging for the transportation of personnel, cargo, or equipment to the various islands of Samoa. The requirement to provide a certified vessel to meet this need will enable the local government to recover some of its costs in providing transportation among the islands.

DECLARATION OF MEDICAL EMERGENCY

Whereas, there exists a medical emergency which threatens to disrupt the social order and imperil the public health and safety of the residents of American Samoa; and

Whereas, the LBJ Tropical Medical Center has great difficulty meeting even the most basic needs of its patients on a daily basis due to the lack of adequate medical supplies; and

Whereas, the American Samoa Government is in a state of fiscal crisis and is currently unable to purchase medical supplies through the normal channels as its regular suppliers will no longer accept its purchase orders; and

Whereas, there exist a large number of medical supply items which have been identified and set aside in several U.S. mainland locations for the use of American Samoa; and

Whereas, the LBJ Tropical Medical Center is in dire and urgent need of these surplus items; and

Whereas, the American Samoa Government is without the means to pay for the transportation costs of these supplies,

Now, Therefore, by the authority vested in the Governor of American Samoa under Article IV, Section 6 of the Revised Constitution of American Samoa and Title 4, Chapter 01, Section 0111(b) of the American Samoa Code, I, A.P. Lutali, Governor of American Samoa, do declare that a Medical Emergency exists due to a lack of basic medical supplies and the inability to transport the surplus supplies which are available.

Further, I request the full cooperation of the United States government in this time of Medical Emergency.

Mr. BROWN of California. Mr. Speaker, it seems that everywhere we go, as Members of this august institution, we hear critics tell us that we can't get anything done, that we engage in endless debate and disputation, that we are gridlocked. But today we witnessed a shining example of this legislative body moving with a speed that was blinding. What am I talking about? The passage of H.R. 3116, the Defense appropriations bill. That bill containing more than $254 billion in spending went through the House in approximately a quarter of an hour. If you had blinked, you would have missed it. Members with offices on the fifth floor of Cannon would not have had time to catch an elevator, walk across the street and participate in the voice vote on final passage. In fact, if they didn't have C–SPAN on, they might not have known a vote was occurring.

The way this bill moved through this body, under the cover of darkness, or, more accurately, wrapped in the protective embrace of the Appropriations Committee, eloquently symbolizes all that is wrong about the old ways in this institution. The process is unfair, it denies nine-tenths of the Members of this body any role in participation, and it leads to a misallocation of our scarce resources based on the directives of a handful of Members of Congress. I want to elaborate on these three themes in the time remaining today.

AN UNFAIR PROCESS

The Defense appropriations conference report went to the Rules Committee just last night, November 9, at 5 p.m. There was no notice or time established for that session. My staff received a call at 4:52 indicating that the Defense conference report had been received, we were welcome to come over and scan a copy, and, by the way, the Rules Committee was meeting at 5 p.m.

We did send a staffer to look at the more than 220 amendments and 312 pages of the statement of managers. While the staffer reviewed the text, the Rules Committee was busy providing a rule that waived all points of order against the bill. Such points of order are the sole guarantee authorizers have that they can act to block elements of appropriations bills that attempt to legislate. My feeling is that points of order should never be waived and I hope that is a position my colleagues will endorse when we move toward reinventing this institution in the next Congress.

In any case, this morning the House came into session a half hour earlier than originally scheduled. Instead of the usual round of 1-minutes by our colleagues, the House moved directly to consideration of the rule for the Defense appropriations bill. That rule was accepted on a voice vote. We then moved directly to consideration of the bill. That bill was then accepted on a voice vote. The entire package moved through the House in approximately 15 minutes. The important point to note is that the bill moved before the amendments and statement of managers were made widely available to Members or staff. The Congressional Record containing the conference report was not available until almost noon—2 hours after we passed the legislation. It is difficult to claim that we engage in informed legislative deliberation when we move legislation before Members have even had a chance to see its contents.

THE MAJORITY OF MEMBERS ARE DENIED A VOICE

The process used to move the Defense appropriation conference report denied 97 percent of the Members of the House any participatory role. Setting aside the process by which the conference report was passed, I would like to focus attention on an activity that is just as pernicious: the use of legislative reports and statements of managers to earmark appropriated funds.

The Defense appropriations conference report is replete with earmarks. I invite Members to take a moment to flip through the research, development, testing and evaluation section. On the very first page of that section, the second paragraph, the statement of conferees reads: "Items of special congressional interest: Funds for projects noted to be of special interest in either the House or the Senate reports remain so, even if the dollar value of these items has changed in conference or even if not specifically mentioned in this report, unless indicated to the contrary in this report." Throughout the legislative reports and statement of conferees, these items of special congressional interest are noted as requiring a DD 1414 form. What does this mean? It means that any desire by the Department of Defense or the Services to spend those moneys in any other way or to spend less than the designated amount requires the prior approval of the appropriators.

Through this arcane reporting mechanism, the Defense Appropriations Subcommittees seek to force the Department of Defense to spend our scarce national security dollars on the programs, projects and contractors nearest and dearest to the appropriators' hearts. The items are fenced off from reprogramming and the Department of Defense and our Armed Services must spend those moneys in the way directed by the appropriators or simply lose the money.

How many Members of this body were allowed to participate in determining which would be items of special congressional interest? Exactly 14. Fourteen out of 435 Members of Congress—just 3 percent of us—played a role in the conference. We all know the game of musical chairs. Well, the way the appropriators play it, 1 out of every 31 of us gets to sit when the music stops playing and it comes time to earmark money. The rest of us are left to stand around, watching the bill sail past. I do not want to see that process change so that more of us get to sit at the table; what I want to see is a process whereby sitting at the table does not allow someone the ability to earmark huge sums of tax dollars for the benefit of their district without consideration for the Nation's needs and interests.

And what was done when the music stopped and the appropriators sat down, behind closed doors, to divvy up the Defense Department? That is the real outrage because it appears that several billion dollars in earmarks were made—we can find approximately $2 billion in the research, development, testing and evaluation [RDT&E] section alone.

EARMARKED DOLLARS IN DEFENSE RDT&E ACCOUNTS

The number and extent of earmarks are difficult to accurately count in less than 24 hours, but that is how much time every member of this body—save the lucky few who are on Appropriations—has had to analyze the bill and report. My staff have analyzed several sections of RDT&E and what they find should disturb all the members of the House and the people they represent.

EARMARKS IN DEFENSE CONVERSION

There are two glaring areas of defense conversion moneys that the Defense Appropriations Subcommittees have attempted to earmark: those in operations and maintenance accounts and those in dual use technology.

The O&M conversion funds were appropriated at a level of $377 million by the conferees. Of this amount, it appears that $145.6 million has been earmarked—the vast majority of that amount by House conferees. Earmarked funds represent 39 percent of all moneys provided in this account; this is a great improvement over the 63 percent of funds earmarked in the original House legislative report, but it is hardly reassuring.

Dual use funds appropriated by the conferees equal $474 million—$150 million less than the House position. Of the $474 million, at least $103.8 million, 22 percent of all funds, have been earmarked. My colleagues will recall that I originally objected to House report language earmarks and that the chairman of the House Defense Appropriations Subcommittee gave his support to an amendment offered on the floor that restates that all technology reinvestment program funds will be competitively awarded and require matching funds by the recipients. That language was also adopted in the Senate and will be included in the bill. It reiterates the law of the land on the way in which TRP moneys are to be spent. At the same time, the Defense Appropriations Subcommittee has attempted to fence off their earmarks by indicating in report language that those are items of special congressional interest and tying the dollars to DD 1414 reporting requirements.

I want all of my colleagues to note the creative wizardry involved in this maneuver. The Defense Appropriations Subcommittees have sponsored a bill here today that will require competitive awards and matching dollars as the law of the land. At the same time, they have attached to that bill report language that instructs DOD to spend almost $104 million on specific projects the Appropriations Committee members desire to see funded. In effect, they have instructed DOD to choose between breaking the law by spending the money or lose the money—money that this Nation's companies and workers desperately need as they negotiate the transition to a post-cold war economy.

This is an intellectually dishonest act. How can Members of this, the highest law-making institution in the Nation, explain that it is their recommendation that DOD break the laws passed by that body? How can we expect the citizens we represent to respect the laws we pass when before the ink is even dry some of our own Members are encouraging executive agencies to violate those laws.

Just as importantly, it violates the trust the American people have put in the Government to administer our defense conversion moneys in a way that is both fair and wise. What signal does it send to the nearly 3,000 consortia who spent time, energy and cash competing for TRP money in the last round of awards to see some of their competitors jumping the line by getting a powerful member of Appropriations to put the fix in for them? I think it tells them there are two systems: one for the politically connected and one for the rest of them. The politically connected do not have to compete and can skim the cream off the top while the rest of our consortia—people who probably have better ideas, but neglected to hire a high-priced lobbyist or win the ear of an Appropriations member or staffer, have to scramble for the scraps.

Further, the earmarks eat into funding for a program that was probably underfunded even at the higher House appropriation number of $624 million—much less the lower conference number of $474 million. The almost 3,000 consortia that were competing for these funds last year applied for a total of more than $8.5 billion in support. Now we certainly cannot afford to support every good idea, but with so many good ideas competing for support we cannot afford to let a handful of Members choose winners based on such important criteria as whether the consortia is in their district or whether the consortia has a lobbyist that is a former staff member.

I want to remind the Secretary of Defense that these earmarks in report language are not binding. Further, the direction that the Department of Defense treat these as items of congressional interest may not be binding either since that request is contained in report language which does not have the status of law and was not endorsed by the Congress. I hope that the Secretary will resist these instructions to ignore the law. I promise to work with the Department of Defense to help provide some support in this institution.

OTHER EARMARKS IN RDT&E

For my colleagues' information, I want to draw their attention to earmarks in four other areas of the RDT&E: Medical research, Army accounts, Air Force accounts and Defensewide accounts. I want to warn my colleagues that not every item of congressional interest is necessarily an earmark—sometimes it may simply reflect an item that Congress has been wrangling with the Pentagon over and Congress wants to make sure that the Pentagon understands how important the item is. But with less than 24 hours to look at the bill, using such items as a surrogate for earmarks is the most practical step.

MEDICAL RESEARCH EARMARKS

The RDT&E medical research account is replete with items of congressional interest. By my staff's calculation, 38 percent of the total provided for medical research is so designated. That amounts to almost $196 million out of $518 million that has been set aside at the direction of the Defense Appropriations Subcommittee members. These items can be broken out by Service: The Army has to set aside $129.5 million out of its $359.5 million appropriation; the Navy has been told to set aside $40 million of its $93 million appropriation; it is recommended that defense agencies set aside $26.3 million of their $59.3 million for purposes specified by the Appropriations Subcommittee members. Only the Air Force escapes unscathed, but their appropriation amounts to a mere $6.3 million, apparently too little to carry significant earmarks.

DEFENSEWIDE RDT&E

Defensewide RDT&E $8.8 billion. Of that amount, $838.7 million—almost 10 percent—is identified as an item of congressional interest. Not all of these moneys may be earmarked. The fact is that all of the technology reinvestment program dollars are identified as items of interest even though the reports identify only $145.6 million for specific projects. If we assume that the remaining TRP dollars are recommended by conferees to be competed, that leaves approximately $468.6 million in items of congressional interest.

Some of the more important DOD initiatives appear to be largely hijacked by earmarks. Two examples: $17.5 of $21.8 million in the manufacturing technology account are set aside, $31.25 million of the $46.25 million in electric vehicle technology are set aside. This is a very disturbing situation and I hope that the chairman of the Defense Subcommittee can provide some light on this situation.

ARMY RDT&E

The Army received a $5.4 billion appropriation for RDT&E. Of that amount, $297.3 million are identified as items of congressional interest. Again, some specific programs seem to be particular targets: Environmental quality technology received $54.1 million while $24.9 is set aside; manufacturing technology has $28.2 million of its $43.2 million appropriation set aside; $6 million of the $17.3 million in materials technology has been set aside.

NAVY RDT&E

The Navy received an $8.4 billion appropriation for RDT&E. Items of congressional interest in the Navy accounts add up to $379.4 million. Favorite categories for such interest include: Advanced technology transition, which received $85.9 million but had $49.7 million set aside; interest in manufacturing technology is particularly high with $140.2 million out of the $142.2 million appropriated identified as an item of interest.

AIR FORCE RDT&E

Appropriations for Air Force RDT&E amount to $12.3 billion. Items of interest total $319 million. There is a wider spread of items of interest in the Air Force appropriation. Advanced radiation technology has $39.3 million of its $94.7 million set aside as items of interest. Of the $14.1 million appropriated for computer resource technology transfer, $7 million is set aside. At the same time, many of the Air Force earmarks are not identified as items of interest, apparently because they were included in the legislation itself. These items amount to $76 million and were included in amendment No. 100.

A complete analysis of the Defense Appropriations bill will take weeks of work, but this quick check indicates that there are probably several billion in earmarks folded into the bill and accompanying reports. Most of these earmarks are associated with efforts to direct research dollars to favored contractors, bases or universities. This process keeps the taxpayer from getting the best return on their tax dollars and denies the Nation the benefits of letting the best ideas win and the best products move forward.

I continue to be disappointed in the level of report-language earmarks included with the bill. I am also disappointed with the process by which this bill was brought to the floor—there was nothing deliberative or particularly public about it. I know we can do better and I ask my colleagues to join me in working for reforms to our own rules as well as calling on

the White House to issue an Executive order that would help get report-language earmarks under control.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the conference report on H.R. 3116. While I wish the overall levels in the bill could be higher, I think that given the constraints placed upon them, the distinguished gentlemen from Pennsylvania, Representatives JOHN MURTHA and JOE MCDADE, have done an outstanding job.

I want to specifically address an issue of critical importance to our national security and one which has generated some controversy; namely, the decision to build a new nuclear aircraft carrier. As a former naval aviator and one who has served eight tours on aircraft carriers at sea, I would contend that this is a subject with which I am somewhat familiar. Furthermore, as a member of the Armed Services Committee, I have spent a considerable amount of time reviewing our national security requirements and the deliberations surrounding Secretary Aspin's Bottom-Up Review.

Clearly, the world remains a dangerous place and we will continue to have a need for a strong national defense. The question facing the House is how much defense and what kind of defense.

While I do not agree with all of the conclusions of the Bottom-Up Review, I strongly endorse its recommendations on aircraft carriers. The review concludes that carriers must remain a core element in our military force posture. They provide a highly mobile and capable military force that can be deployed anywhere in the world. Secretary Aspin and his advisors have rediscovered or at least revalidated a conclusion that every president since World War II has known. Aircraft carriers are an essential tool both diplomatically and militarily. Aircraft carriers have been called upon more than 140 times since the end of World War II to go to the scene of a crisis. In more than 90 percent of those instances, the crisis was resolved peacefully. The presence of an aircraft carrier is a stabilizing influence and provides a very tangible indication of American interest and resolve.

In those instances where carriers have been called upon to fight, they have proven their worth overwhelmingly. The most recent example is the Persian Gulf War, where carriers were used not only to prevent Saddam Hussein from invading Saudi Arabia, but were also an integral part of the attacks on Iraq.

Mr. Speaker, the Congress this year is faced with the decision of whether to fund a new aircraft carrier to keep the fleet at the level necessary to protect American interests. The administration has concluded that a minimum of 12 aircraft carriers is necessary to the national security. I personally believe that even that figure may be too low.

President Clinton has found himself with a well-equipped, superbly trained military because of decisions made in the 1980s. We owe it to our future Presidents to decide to fund CVN–76, so they have the resources to protect American interests in the future.

Some have argued that we can live with fewer carriers now that the cold war is over. But we already are moving to fewer carriers, down from 15 over the most of the last decade. Eight carriers are not enough. Even with 12 carriers, we will not be able to keep one carrier deployed in the western Pacific full time. This should alarm us in view of the continuing tension in Korea. Even with this twelfth carrier, there will be gaps of as much as 4 months, because we will not have the ships available for deployment.

Mr. Speaker, I firmly believe that we are already taking far too many risks by cutting back our defenses. CVN–76 is absolutely essential to preserving even a shadow of strength. I remind the House that with 12 carriers, our sailors will be spending at least 6 months at sea on each deployment. Navy families will be suffering great hardships. Morale, recruiting, and reenlistment will all suffer, and we will be back to the problems we faced in the Carter years.

Both the Bush and Clinton administrations support building a new carrier as essential to projecting power around the world. The conference report before us takes the first important steps to insuring that CVN–76 is a reality. I urge the House to support the conference report and support funding for an additional aircraft carrier.

Ms. SHEPHERD. Mr. Speaker, I rise today to express my objection to the $1.2 billion provided for a new CVN–76 aircraft carrier in the fiscal year 1994 Defense appropriations conference report. My esteemed colleagues may not even be aware that this money was appropriated, since it was hidden so well. If you read through the bill you won't find anything that says "appropriate $1.2 billion for a new aircraft carrier." What you will find, if you look closely enough, is that the budget for national defense sealift has ballooned from $400 million in the House-passed bill to $1.5 billion in the conference report. Apparently, the supporters of this carrier don't feel it could survive any kind of close scrutiny, so they decided to camouflage it the best they could.

Mr. Speaker, I don't think that this is the way we should be doing business. As you know, this carrier was neither authorized by the House or Senate Armed Services Committee, nor requested by either the Navy or the President. The decision to build a carrier has profound implications for our national force structure and for every defense spending decision we make in the years to come. I personally am not convinced that we need a new nuclear carrier at this time, and many others share my concern, such as Senator NUNN, who has testified that a decision to fund the carrier now will worsen future military budget shortfalls. An investment of this magnitude deserves to be debated by the authorizing committees as part of their hearings on the Bottom-Up Review over the next 6 months. This kind of backdoor funding circumvents rational decisionmaking and makes a mockery of the committee process.

Everyone here should keep in mind that $1.2 billion spend this year will translate into a $25 billion commitment down the road to complete the carrier and equip it with planes and support vessels. I don't think we should jump blindly into such a huge, expensive project. We should give the authorizing committees a chance to conduct a reasoned debate where all the facts can come out, and we can really decide whether we need another nuclear aircraft carrier. I strenuously object to this attempt to sneak $1.2 billion into the budget through the back door under cover of darkness for a project which has not been fully debated in the House. It is precisely this type of closed-door dealmaking that infuriates the American people and erodes their faith in Congress.

Ms. FURSE. Mr. Speaker, I want to take a moment to call attention to an extremely important provision of H.R. 3116, the 1994 Defense appropriations bill regarding the establishment of a marine and environmental research station at South Tongue Point in Oregon.

My predecessor, Congressman Les AuCoin, and Oregon's senior Senator MARK O. HATFIELD worked diligently on opening a new MHC facility in Astoria, OR. In anticipation of this event, State and local agencies expended countless resources in environmental and strategic planning to ensure that the Navy would be well received. Unfortunately, the Navy announced earlier this year that it would implement a countermine consolidation plan which would not include Astoria.

I was contacted by local and State officials who were stunned that their investments in land and facilities would go for naught. I immediately voiced my objection to Admiral Kelso that the State has put considerable resources and time working on this project, and the Navy's decision rendered such worthless. Senator HATFIELD and I had numerous meetings with the Navy and eventually, the Navy reevaluated its initial position and decided to provide the State of Oregon $2 million for the marine and environmental science station at the South Tongue Point site.

The bill before us today provides $2 million for the establishment of a marine and environmental research station at the former homeport site at South Tongue Point in Astoria. This center will provide assistance to the Navy, Coast Guard, and National Oceanic and Atmospheric Administration in increasingly important environmental study needs.

The Marine and Environmental Research Center at South Tongue Point will serve as a great resource for the entire community, our State, as well as for our country. It has the ability to combine the work of our local educational institutions—Clatsop Community College, the Oregon Graduate Institute, and Portland State University—with educators, trainees, and students to tackle the environmental and maritime issues facing our region and country. Whether it is conducting salmon research, gaining new understanding of healthy estuaries, teaching marine safety, or developing new fishing methods, the Marine and Environmental Research Station will be a model for the country and an important national resource for years to come.

I also want to extend my thanks to Chairman MURTHA of the Defense Appropriations Subcommittee here in the House for his willingness to work with me on this and other issues. The people of northwest Oregon owe a huge debt of gratitude to Senator HATFIELD for his dedication and hard work on this matter. On behalf of the first district of Oregon, I stand before the House today and welcome the Navy's Marine and Environmental Research Station to South Tongue Point.

Mr. GILMAN. Mr. Speaker, I rise today in support of the conference report on H.R.

3116, the Department of Defense Appropriations Act for fiscal year 1994.

I am particularly pleased that the conferees included $2,500,000 from the Defense Conversion Program for a health care network in New York. These funds will support a unique regional medical information network being developed by New York Medical College [NYMC] in Valhalla, NY.

This network is being designed to link the resources of NYMC, through a computerized telecommunications system, with over 30 affiliated hospitals, including two Veterans Administration facilities, as well as several community-based primary health care centers and individual medical practitioners in the New York metropolitan area, extending from New York City to the Hudson River Valley.

This advanced technology system will build upon the education work being done by NYMC in helping to provide quality and cost-effective health care services in the region. Studies have shown that such a system can significantly improve the quality of health care for patients, relieve unnecessary burdens on primary care physicians, and reduce costs.

I believe that this project will be a model for defense-related medical facilities and demonstrate the value of telemedicine technology in the training of primary care physicians in both hospitals and community-based settings.

Mr. Speaker, I would like to thank the Chairman, Mr. MURTHA, the ranking minority member, Mr. MCDADE, and the other conferees for their outstanding work on this important legislation.

Ms. PELOSI. Mr. Speaker, I wish to congratulate my colleagues on the Defense Appropriations Subcommittee for a number of initiatives they have brought forward in the conference report before us.

In particular, I commend the creative manner in which they have employed the expertise and program support in a number of diverse Department of Defense agencies to support defense conversion, worker retraining, and health care initiatives.

I would like to note that as part of its ongoing interest in research, the committee provided explicit direction to the Department of the Army to support medical institutions with dedicated breast cancer centers. This support will prove invaluable in meeting the challenge of the breast cancer epidemic which will affect 1 in 9 American women. This language has been the subject of considerable discussions involving the Appropriations Committee staff and the Armed Services Committee staff.

I want to congratulate my colleague, RON DELLUMS, for his continued personal interest in this initiative, as well as the subcommittee chairman, Mr. MURTHA. The criteria the committee has adopted for the awarding of these grants are designed to provide preferential treatment to institutions that have demonstrated expertise in the treatment of breast cancer and which have already undertaken cost containment initiatives through mergers and consolidations.

In my district of San Francisco, CA, the California Pacific Medical Center is one such institution. California Pacific Medical Center does offer new advances in applied research and model systems of health care delivery for breast cancer, including early detection, prevention, treatment, education, and community outreach. It is an institution that has long had a dedicated breast cancer center providing accessible treatment and timely application of new protocols.

California Pacific Medical Center has prior demonstrated experience serving as a regional magnet facility for doctor education and patient services through the most modern teaching and teleconferencing methods. And, as I have noted, California Pacific Medical Center has demonstrated its commitment to cost containment through the recent merger of Pacific Presbyterian Hospital and Children's Hospital.

I look forward to working with my colleagues in the leadership of the Armed Services and Appropriations Committees to assist California Pacific Medical Center in securing timely approval of a $5 million grant.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 225

Mr. HOKE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HOBSON] be removed as a cosponsor of H.R. 225.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1025, BRADY HANDGUN VIOLENCE PREVENTION ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considerd for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considerd as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment numbered 3 in part 2 of the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 302 is a rule providing for the consideration of H.R. 1025, the Brady handgun Violence prevention Act. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. The rule waives all points of order against consideration of the bill.

The rule makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill and modified by the amendment printed in part 1 of the report, as an original bill for the purpose of amendment. The substitute shall be considered as read. The rule further waives all points of order against the substitute.

The rule makes in order only those amendments printed in the report to accompany the rule. All points of order against amendment number three—the McCollum amendment—are waived and each amendment shall be considered as read. The amendments shall be considered in the order and manner specified in the report and by the Member designated in the report. Each amendment

shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Finally the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Brady Handgun Violence Prevention Act was first introduced 6 years ago. Since 1987, more than 150,000 Americans have been killed by handguns. That is more Americans killed than in World War I, the Korean war, and the Vietnam war combined. The numbers continue to mount. Every day, another 60 Americans are killed with handguns and dozens of others are wounded and injured.

In 1990 handguns were used to murder 13 people in Sweden; 91 in Switzerland; 87 in Japan; 68 in Canada; 22 in Great Britain; 10 in Australia; and 10,567 in the United States. Handguns have pushed our Nation's crime rate to an all-time high. Every year handguns are involved in more than 640,000 felonies in America. While the murder rate has soared over the past 6 years, there has actually been a decrease in murders committed by weapons other than handguns. Handguns alone have been responsible for the entire increase in the national murder rate from 1987 to 1992.

Passage of the Brady bill will tilt the balance of law enforcement in favor of the potential victim and against the criminal. Named for the former White House Press Secretary James Brady, who was shot during the 1981 assassination attempt of President Reagan, this legislation will give police officers an additional tool in combating crime.

The Brady bill provides for a 5-business-day waiting period for the purchase of a handgun. During the waiting period, local law enforcement authorities would check the background of the purchaser to ensure that the sale would not violate Federal or State law. This year's version of the Brady bill also commits this Nation to the creation of a national instant check system and establishes a timetable for its implementation. The Brady bill will be phased out once a national instant check computer hotline is operational. In addition, the bill authorizes funds to State and local governments to computerize their criminal records.

While the Brady bill is not a panacea that will end all handgun crimes, the waiting period will save lives by providing a cooling off period that will prevent handgun purchases in the heat of passion. Having practiced trial law for years, it was my observation that when a handgun was fired in domestic disputes, its bullets all too often struck innocent victims.

The Brady bill will work because many States across the country have already enacted their own laws imposing waiting periods and background checks which are working. Twenty-two States now have either a waiting period or a licensing requirement that require a background check of the purchaser to ensure that the sale is legal. In California, a 15-day waiting period with background check stopped 16,420 illegal gun purchases from January 1, 1993 to September 1, 1993. In Illinois, 2,896 permits were denied and 3,001 revoked because the purchasers had felony convictions.

While most criminals do not buy guns legitimately, 28 percent of State prison inmates reported that they had bought a gun over the counter from a legitimate gun dealer. Although a criminal will still have access to illegal weapons, the Brady bill will limit his options.

The Brady bill has the support of every major law enforcement group in the Nation including the International Association of Chiefs of Police, Fraternal Order of Police, the Police Foundation, the National Sheriff's Association, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Association of Police Organizations.

In addition, organizations representing education, children, the medical community, lawyers, clergy, senior citizens, employees, and government have voiced their support for the Brady bill. The bill has been endorsed by the American Bar Association, the U.S. Conference of Mayors, the National Association of Counties, the U.S. Catholic Conference, the League of Women Voters, the National Education Association, the National League of Cities, the American Federation of State, County and Municipal Employees, the AFL-CIO, and the American Medical Association. And, yes, even gun owners endorse a waiting period and background check for the purchase of handguns.

Mr. Speaker, the American people are demanding an end to the growing epidemic of gun violence. I don't believe anyone will stand in the well of the House today and tell you that the Brady bill alone will stop the mindless and senseless violence caused by handguns. I won't. But, the Brady bill is a commonsense measure that can stand on its own merits. It will help deny handguns to persons who are prevented by law from owning them. This bill is simply good public safety legislation.

Mr. Speaker, the President vowed to sign the Brady bill into law. We cannot afford to wait any longer. Too many lives have been lost to handgun violence already. Passage of the Brady bill is long overdue and this Congress should show the courage to send it to the President before we adjourn for the year.

□ 0950

Mr. Speaker, I think it is a national shame that we do not have this bill on suspension, that we even have to debate it. It seems to me it is so evident that it is so right for our country, it is so right for our citizens, it is the first major attempt that the Congress has taken in many, many years to deal with the rights of the victim instead of the rights of the perpetrator or the criminal.

So, Mr. Speaker, I would ask all of my colleagues, Members of Congress, to vote for the Brady bill. Let us show the American public that we care for them and we care for their children and we care for future generations.

Mr. Speaker, I reserve the balance of my time.

□ 1000

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is nothing more dangerous than a foot in the door, and these proceedings are a foot in the door.

Mr. Speaker, I rise in the strongest opposition to this rule. There is no good reason why the bill it makes in order should be considered under a restrictive amending process.

Only 17 amendments were submitted to our Rules Committee from this whole body of 435 Members, and two of those had been withdrawn by the time the Rules Committee voted on this rule. The House could have considered every one of those amendments in less than one day.

Mr. Speaker, while I generally oppose the idea of any time limit on the amending process, in this one case I offered to consider one if the Members would not otherwise have been restricted in their ability to offer amendments, but there was no response to my offer. That means all the other Members are going to be gagged in this House again.

Mr. Speaker, a democracy works best when there is an open marketplace of ideas and the ones with the most support win. Just what ideas relating to this bill are so frightening to the other side that they are unwilling to put them to a vote, to let this House work its will.

Even such a respected authority as the Speaker of the House, responding to a question about the Brady bill yesterday in his press conference said, "My commitment has been to see to it that this bill reached the floor, if it was reported by the committee, as it has been, and to let the House work its will on it."

The Speaker then went on to say, "I am just going to let the House make the decision on the specifics of it, rather than intrude myself into the debate."

I agree with the sentiments expressed by our Speaker yesterday, but that is not what is happening today under the provisions of this rule. Members are being prevented from considering and

voting on ideas that should be before this House.

Many of us have made statements back in our districts about the need for Congress to stop directing State and local governments to do things that cost money when we do not provide the funding to pay for them. And yet that is exactly what we are doing today. It is going to cost a lot of money to computerize State and local criminal records and make them readily available to gun sellers.

Yesterday in the Rules Committee when I raised the question about how much this bill was going to cost State and local governments, I was told that no research had been done on the question, and that nobody really knew what it was going to cost.

Mr. Speaker, in my part of the country, local government budgets are already bursting at the seams because of State and Federal mandates. Most of the revenue has to be raised from a tax on real estate, and the taxpayers are already struggling to pay ever increasing school taxes and local government taxes, brought about by these Federal and State mandates.

Several Members, including a Republican from Colorado [Mr. HEFLEY] and a Republican from New Mexico [Mr. SCHIFF] a valuable member of the Judiciary Committee, and a Democrat from California [Mr. CONDIT] all offered amendments in the Rules Committee, which would have prevented additional costs from being dumped on State and local governments, but the House will be denied the opportunity to even vote on those proposals because of this restrictive rule. We will not even be able to debate these proposals, because they are prohibited under this rule.

Mr. Speaker, I am not a supporter of the Brady bill, but it seems to me that the supporters of this legislation are creating unnecessary extra problems for themselves by the use of this heavy handed process.

Another amendment which the House should have had an opportunity to consider is one by the gentleman from Missouri [Mr. VOLKMER], a Democrat from the other side of the aisle, a very good Member. The Volkmer amendment provides that the chief law enforcement officer responsible for providing criminal background checks will not be liable for damages if the officer has diligently searched available records which may indicate that the prospective purchaser may not lawfully receive a handgun, and the prevention is due to reasonable reliance upon such records.

Mr. Speaker, without this amendment we are opening up those officials on a local level responsible for conducting the criminal checks to a large number of lawsuits. The costs of those lawsuits will also end up being borne by the local taxpayers. That is why this bill could fairly be titled the Brady Lawyer Relief Act of 1993.

Mr. Speaker, this rule also represents a major missed opportunity for the House. The Judiciary Committee was scheduled to mark up a crime bill covering a broad range of subjects a week or so ago, but at the last minute dropped it and instead took up six-crime related grant programs which were not actually funded by their own provisions.

So what does that mean?

These bills provided good press releases for some Members, but will do absolutely nothing to fight the crime wave rolling across this nation today. The only other piece of so-called crime legislation reported to the House this year is the Brady bill, which is likely to have little or no effect on serious criminals, and every one in this House knows that.

The gentleman from Florida [Mr. MCCOLLUM] gave the Rules Committee an opportunity to do something that would really make a difference in the fight against crime, but the Democrats on a party line vote turned it down again. They are against doing anything about crime in this Nation.

The McCollum amendment would have given this House a chance to consider a comprehensive, anticrime bill dealing with tough issues such as the death penalty strengthening the rights of crime victims, and stopping the revolving door for repeat offenders.

Mr. Speaker, by adopting this rule in its present form the House will have missed an opportunity to take real steps in the fight against crime.

Mr. Speaker, there are a lot of other problems with this bill, but the one that concerns me most is simply that it is a foot in the door which, without exception and without question, will lead to additional steps to take the right to bear arms away from law-abiding American citizens.

If this trend is carried to an extreme, by people like the senior Senator from New York who wants to tax ammunition to pay for the health care program, the most ridiculous proposal I have ever heard come out of a Senator's mouth, we can end up with the sort of crime-ridden situation that we have now in the District of Columbia, which actually has some of the strictest gun laws in the Nation.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind the gentleman from New York that characterizations of Members of the other body are not permitted under our rule.

Mr. SOLOMON. The Speaker is absolutely right. I appreciate his observation.

If this trend is carried to an extreme, we can end up with the sort of situation nationally that we have now in the District of Columbia, right here where you and I sit today, which have some of the strictest gun control laws in this Nation. The law-abiding citizens have been disarmed in this town, but the law breakers are armed to the teeth, secure in the knowledge that the law-abiding citizens are not going to be able to defend themselves.

This kind of gun control has resulted in over 400 homicides this year alone, and the year is not even over yet, right here in the Nation's capital. Every Member of this House ought to be ashamed of it, especially for not doing anything about it.

Mr. Speaker, it is too bad that we no longer have a President who is willing to stand up for the right of Americans to bear arms.

I hope all the people out there in America know this. If this bill is not stopped here, they can be certain that it will not be stopped anywhere, especially at the White House.

Mr. Speaker, this bill represents a step in the wrong direction. It opens the door to taking away our guns, and both this rule and the bill should be soundly defeated.

Vote no on this rule that severely restricts open and fair debate on this extremely controversial issue.

Mr. Speaker, I include the following material on open versus restrictive rules:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	47	12	26	35	74

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 10, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

ROLLCALL VOTES IN THE RULES COMMITTEE ON H.R. 1025, THE BRADY HANDGUN VIOLENCE PREVENTION ACT

1. Open rule—This amendment to the proposed rule provides for one-hour, open rule and makes the Judiciary Committee amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule.

Vote (Defeated 4–7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

2. Bartlett (MD)—An amendment in the nature of a substitute which accomplishes the stated goals of the Brady bill. Establishes a national computerized list of convicted felons and persons adjudicated mentally incompetent to be used in conjunction with drivers license renewal and status encoded on license. Dealer would simply run license through a read only machine to determine if the gun could be sold. This would all be done without a five day waiting period or a national registry of gun owners.

Vote (Defeated 4–7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

3. Schiff (NM)—This amendment redefines the term "chief law enforcement officer" as the local field director of the Federal Bureau of Investigation, thus transferring the burden of the criminal background check from State and local officials to the federal government.

Vote (Defeated 4–7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

4. Schiff/Condit—This amendment proposes that the federal government reimburse, at a rate determined in advance by the Attorney General of the United States, the state or local entity responsible for performing the criminal background check.

Vote (Defeated 4–7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

5. Schiff (NM)—This amendment will permit a state or local law enforcement agency to perform the criminal history background check, rather than compel such state to do so.

Vote (Defeated 4–7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

6. Goodlatte (VA)—Exempts those States that have an online instant check system; clarifies language regarding destruction of records.

Vote (Defeated 4–7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

7. Volkmer (MO)—Provides that a chief law enforcement officer responsible for providing criminal background checks, shall not be held liable for damages if the officer has diligently searched available records which may indicate that the person may not lawfully receive a handgun, and the prevention is due to reasonable reliance upon such records.

Vote (Defeated 5–6): Yeas—Solomon, Quillen, Dreier, Goss, Wheat; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Slaughter. Not voting: Moakley, Gordon

8. McCollum (FL)—Adds the text of H.R. 2872, the Violent Crime Control Act of 1993, at the end of the bill.

Vote (Defeated 4–7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

9. Traficant (OH)—Requires that the Justice Department adhere to the Buy American Act of 1933. The amendment also states a Sense of the Congress that states use American made goods when expanding their federal grants to upgrade their criminal files. Finally, the amendment prohibits anyone to receive funds under H.R. 1025 who knowing affixes "Made in America" labels to foreign made goods.

Traficant (OH)—This amendment prohibits the Attorney General from awarding a contract under H.R. 1025 to a foreign firm unless the country where the firm is based has an open trade policy with the United States.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Slaughter. Not voting: Moakley, Wheat, Gordon

10. Hefley (CO)—An amendment to require full funding of costs to state and local governments.

Vote (Defeated 4–7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

11. Beilenson Motion—To waive germaneness rule against McCollum #13 (see rollcall #8).

Vote (Adopted 6-5): Yeas—Derrick, Beilenson, Frost, Bonior, Hall, Wheat; Nays—Solomon, Quillen, Dreier, Goss, Slaughter. Not voting: Moakley, Gordon

12. Adoption of Rule—

Vote (Adopted 7-4): Yeas—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter; Nays—Solomon, Quillen, Dreier, Goss. Not Voting: Moakley, Gordon

Note: The individual amendments would be printed in the Rules Committee report, would not be subject to amendment, would be debatable for 20 minutes each, and appropriate points of order would be waived.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank him for his very eloquent statement, because he put it right down where it is.

Listen, this is not about putting a foot in the door. This is about restoring your rights. You can have your rights if you take responsibility. Somehow we have lost that in the eighties, and this is very important to get us back on track.

□ 1010

What are your rights to a gun.

You don't have rights to a gun if you're convicted, and that is what this is about, if you are convicted of a crime.

Now we do not let them vote if they are convicted of a crime, but we are going to let people have guns? For crying out loud, explain that to me.

This is long overdue, and I am very, very pleased this is coming to the floor, and I want to thank the gentleman from New York [Mr. SCHUMER] and many others who have worked so hard to get it here.

I must say the biggest oversight I saw was the part where we did not get domestic violence included in here. I think people who have been convicted of domestic violence should also be in this, and I also think people who are under restraining orders should be under this because so many of the gun felonies are against people who are in the same family.

However, Mr. Speaker, I am very pleased that the Committee on the Judiciary is going to move on the Violence Against Women Act, and we can deal with it there, because we have been winking at domestic violence for a very long time in this country, and it is time the Federal Government says, and says strongly, "We want the States to take this much more seriously, we want this beefed up, and we really want these moved up to a felony level across the board so they will be in this thing." I think that is going to start happening, and I am pleased that we are going to try and do that before we adjourn because it really has been much too long in doing it.

It has been much too long in moving the Brady bill, so I encourage people today to vote for this rule and vote for this bill and finally say that we are coming to our senses in this country. We require people to have certain responsible acts to do anything else, drive a car, go to school, do all sorts of things. But here, oh, no, anyone, any age, anywhere, whether or not they have been convicted of a felony, can go out and do that. That is wrong. We are going to correct it today, and I encourage an aye vote and a move to final passage as rapidly as possible.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Glens Falls for yielding this time to me.

If anyone wants to know what is wrong with this institution, they should look at this process that we have got before us right here. It is a fascinating irony. The goal behind this Brady bill is to impose a 5-day waiting period for the purchase of handguns, and yet look at the process around which we are considering this measure. We are waiving the 3-day waiting period for consideration of the bill itself. We are not allowing Members to have the opportunity to even look at this bill.

Mr. Speaker, we had a litany of amendments that we offered up there in the Committee on Rules, and, as is usually the case, we were denied the opportunity even to have those amendments considered here. But actually the amendments, the three amendments that were made in order by this rule, are contained in the report of the Committee on Rules, and that report is not even available for our Members to see yet.

So, Mr. Speaker, it is incredible when we look at the fact that we are trying to increase the availability of information on people with this 5-day waiting period and yet we are not allowing Members of this House the opportunity to even look at the measure that they are going to be voting on, and I urge a no vote on this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. SOLOMON. Mr. Speaker, I, too, yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Missouri [Mr. VOLKMER] is recognized for 4 minutes.

Mr. VOLKMER. Mr. Speaker, I remain opposed to a federally imposed waiting period prior to the sale of a handgun. There is no evidence that a waiting period of any length, including a 5-business day wait as contained in the interim provision of H.R. 1025, prevents violent crime. As a matter of fact waiting periods of any length have not been effective. Two-thirds of Americans are already living under some type of waiting period. Twenty of 22 States, as well as the District of Columbia, with waiting and/or permit to purchase laws experienced increases in violent crime rates from 1987 to 1991. Most States that have imposed some type of waiting period on firearms purchases have experienced increases in violent crime or homicide rates greater than the national trend. The 5-business day waiting period as required in H.R. 1025 imposes a burden on those who obey the law, with no benefit in terms of crime control.

If we are going to reduce violent crime in this country, we must first keep young people from turning into violent criminals, and second, we must do something about the violent criminals that regretfully we already have.

In the first, the Judiciary Committee, under the chairmanship of Chairman BROOKS, has taken action. Several bills that provide grants for States that will help them try to dissuade young people from becoming violent criminals were reported from the committee. The full house then debated and passed the majority of these measures with my support. On the second point, what are we doing? Debating the so-called Brady bill. I wish I could convince my colleagues who want to infringe on the rights of law abiding citizens to own and use firearms that the answers to solving the crime problems in America has nothing whatsoever to do with gun control. Getting criminals off the street is the only way to solve the crime problems.

I believe the leading immediate cause of violent crime is the revolving door of violent criminals in our prisons where convicted criminals get a substantial portion off of their sentences from prison, and then are allowed back out on the street, and we all know what happens then. It is ludicrous to think that tougher gun laws will stop criminals from using guns in crime. They don't obtain them legally to begin with and they won't stop obtaining them no matter what law is passed.

Another disturbing provision in H.R. 1025, from a civil liberties perspective, is the granting of absolute immunity from damages to Federal, State, and local government officials, including law enforcement, even if the rights of a law-abiding citizen have been violated in an arbitrary manner. The proponents of a waiting period have long suggested that the purpose of such a wait is to allow time to scrutinize handgun purchasers as a means of stopping only criminals from making purchases through retail outlets. However, H.R. 1025 gives government at all levels virtually unchecked veto power over handgun sales, with no threat of penalty for even bad faith abuse of that power. Regardless of the reason for the denial individuals unlawfully denied

their rights would have to bring suit in Federal court and prove that they are not ineligible to purchase a handgun. I believe this goes beyond the bill's objective. I, of course, believe it is appropriate to shield government officials from the threat of damages in the event that they, in good faith, after a diligent effort to review records, prevent a lawful sale.

Another problem is that H.R. 1025 fails to impose a time certain for the implementation of the national instant check system. I believe that a date for the implementation of a Federal point-of-sale screening system should be set, by law, and adhered to. H.R. 1025 leaves it up to the Attorney General to establish timetables and those timetables could well be unreasonably long thereby delaying establishment of the national system for many years. There is no good reason to delay indefinitely the implementation of a national instant check system.

I object to the fact that, when a national instant check system does begin, H.R. 1025 requires that purchasers of all firearms, including rifles and shotguns, be subject to the check. This is unnecessary because of the minuscule use of long guns in crime—according to the uniform crime report, well under 1 percent of all violent crime—and would impose a burden on individuals, firearms dealers, law enforcement, or the Federal Government. It is an unnecessary expense.

The final point I wish to make regarding H.R. 1025 is that it does not impose a uniform national standard for the purchase of handguns once the Federal point-of-purchase system is implemented. The instant check system is already successfully working in five States and once the Federal system comes on, it is only sensible to preempt State laws requiring a wait following the verification of the eligibility of the purchaser.

In conclusion the provisions of H.R. 1025 are a foundation for far more rigorous measures in the near future. Even Sarah Brady agrees that this legislation, or any waiting period, can do little to curb gun related violence. So I would venture to guess that Congress in trying to control crime with Federal gun control legislation will realize that this measure has not been effective. After this realization Congress will demand that even more sweeping and more effective laws are needed at once.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, this debate today is not about handguns, not about bullets, not about hunters. It is not about victims. It is not even about Mr. Brady. Today's vote in the House of Representatives is about U.S. congressional politicians and their relationship with the National Rifle Association. This is a litmus test. The Brady bill will not do very much, but, if Congress cannot deal with the politics of this issue by passing this simple measure, nothing will be done to turn the tide. My colleagues, America has turned back into Dodge City, and Congress, as sure as hell, is no Wyatt Earp.

□ 1020

There have been 25,000 murders, we have street gangs, drive-through, drive-by, and drive-in shootings. Americans are not safe in their own homes.

Let me say this to the Members: There will be no national Federal firearms policy until the NRA and the police associations and Congress come together. NRA is not the bad guy, but we have been pitted one against the other, and there will be no policy.

I am voting for the Brady bill for one reason. It is a simple litmus test. If Congress cannot deal with this issue, Congress will deal with no issue, and the great sin of Congress is omission, not commission.

The Brady bill is at best the litmus test by which we can start. The NRA is the big cloud hanging over this House today, and it is time that the politicians meet the test.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for the previous speaker in the well, but for him to deliberately criticize people like me, who belong as lifelong members of the NRA, is something I resent. So do a lot of other law-abiding citizens across this Nation. The NRA represents a broad cross-section of Americans, and it should not be criticized as if it wields some kind of undue influence—it has millions of members who believe in it.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], a distinguished member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of this rule, not because it is a good rule, because it is not. I believe that it is much too restrictive in prohibiting legitimate amendments that should be offered to this bill so the House can reach a consensus. But I am supporting this rule because this is our only shot to bring the Brady bill up as separate legislation during this Congress.

The American public deserves an up-or-down vote on the concept of a waiting period, a concept which most polls indicate the public supports by over 85 percent. I think we owe that to our constituents. I think we owe it to them to stand up and be counted on whether we are for the Brady bill and the waiting period or whether we are against it.

If this rule goes down and the House cannot consider the waiting period on its merits, then the waiting period is going to be folded into a comprehensive overall omnibus crime bill, and the waiting period is going to die next year just like it did last year because of the other controversial issues that are contained in an omnibus crime bill.

So let us get on with voting for the Brady bill. Let us pass the Brady bill because our constituents want it, and the Brady bill will keep guns out of the hands of people like convicted felons and adjudicated mental incompetents and thus protect the right of the legitimate firearms owner to continue getting access to firearms.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, many of our conscientious colleagues are opposed to the Brady bill, and while I respect their judgment, I cannot agree with their arguments.

One argument, for example, is that the District of Columbia has the toughest gun laws in the Nation and yet it has the most murders. Well, unless the District of Columbia is going to erect a wall around its boundaries, it cannot stop the infusion of guns from all the other States along the east coast, because it is right on Route 95. States that do not have such strict handgun control laws. This is a good argument for why we do need this national legislation.

People suggest that this is going to deprive people of their ability to hunt and to protect themselves. Look at Canada. The majority of adults in Canada hunt, but there were 8 handgun deaths in Canada; there were 23,000 in the United States, 11,000 homicides. What is the difference? There is an enormous difference. Canada has one of the toughest handgun control laws in the world, and it does not interfere with their ability to hunt. It protects their own individual citizens.

People suggest that this is going to deprive them of the ability to protect themselves. What law-abiding citizen is going to worry about giving their name and address and letting the police check it out for 5 days if they have nothing to hide? No one. In fact, more than 80 percent of handgun owners agree with the 5-day waiting period, but a young felon is certainly not going to give his name and address and wait around for 5 days for the police to track him down.

This is a small step. This is not going to make an enormous difference in our objective to reduce the senseless deaths that are occurring as a result of handguns, but it is an important one. Certainly Sarah and Jim Brady deserve the kind of respect that we ought to accord them today, after fighting for years to prevent the kind of catastrophe that occurred to Jim Brady and that occurs to thousands of people every single year in this country.

MAKING IN ORDER IN A MODIFIED FORM THE AMENDMENT NUMBERED 3 IN PART 2 OF HOUSE REPORT 103-341

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1025 pursuant to House Resolution 302, it may be in order to consider the amendment numbered 3 in part 2 of House Report 103-341 in the modified form that I have placed at the desk.

The SPEAKER pro tempore (Mr. MAZZOLI). The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment to H.R. 1025, as reported and as modified, offered by Mr. MCCOLLUM: In the matter proposed to be added by section 2(b) of the Committee amendment—

(1) strike the close quotation marks and the following period; and

(2) add at the end the following:

"(6)(A) Notwithstanding any provision of the law of any State or political subdivision thereof that imposes a waiting period before the purchase of a firearm, a licensee may transfer and a person may receive a firearm immediately after compliance with paragraph (1).

"(B) Section 927 shall not apply to subparagraph (A) of this paragraph."

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

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we thank the gentleman from South Carolina for making that unanimous-consent request, which affects the McCollum amendment.

Mr. Speaker, I spoke earlier about the gentleman from New Mexico [Mr. SCHIFF], who was denied his right to offer an amendment dealing with the unfunded mandates that appear in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a very valuable member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, H.R. 1045, which is before us today, is not the same Brady bill that the House voted on in the last Congress under the designation of H.R. 7. There was a significant change made in terms of making this bill today an unfunded mandate on the local police departments in this country.

H.R. 7 in the last Congress addressed this issue as follows: "Paragraph 1"—that is the background check—"shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required." That is the language in the last bill. The language in this bill has Congress requiring local police departments to take their time and their resources to make a background check without Federal support.

I am asking my colleagues to vote down this rule, and if that occurs, I intend to offer three amendments, any one of which would solve this problem: either an amendment to have the Federal Bureau of Investigation do the check, which I suggest would actually improve the bill, because it would set a common quality standard for this check if it is going to be so valuable. But I believe the Department of Justice would come over here screaming against it if they thought they were actually responsible for enforcing this bill that they have endorsed. Or if that is not acceptable, requiring Federal reimbursement at a rate set by the Attorney General of the United States for the local police agencies to do this check. If the supporters think that this background check is valuable enough, they ought to think that it is worth paying for, and thus far they do not. There is an authorization for the instant background check, but not for the personal background check called for immediately.

Or finally, in the alternative, if the Congress is unwilling to have a Federal agency do this background check, if the Congress is unwilling to pay the local agencies to do the background check, then my third alternative would be to remove the mandate. Keep the 5-day waiting period, but not requiring the local police to do the check. Let them decide if they wish to proceed to do the local check. This is significant, because there is an honest debate about whether there is a net gain or a net loss in terms of law enforcement with a personal background check.

The claim is made that the criminals are kept from getting guns. I wish the time existed to go further into the figures we have heard already this morning. At the very least, I would ask the supporters to say, what happens to anyone denied by a check in those States that do a check? I submit that those individuals are left free on the street, and if they are really criminals, they can get a gun in the next number of hours without any difficulty.

But the argument can be made that since most purchasers of handguns, as it has been accepted today, are honest citizens, how much time and effort is lost by the police checking out the backgrounds of honest citizens? That has to be weighed as a loss to law enforcement.

Now, the point I am making here is, if the supporters have come to the conclusion—and they have—that this is a net plus for law enforcement, let them pay for it. Let them back, with the resources at their disposal, their opinion that this would in fact support law enforcement. If they are not willing to do that, then drop the mandate and drop the unfunded requirement on the local agencies that they have to do it.

□ 1030

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, the Brady bill is a reasonable first step, and I certainly support the bill and the rule. The United States is far behind other industrialized nations. Only South Africa permits the rampant proliferation of guns in its society as we do. Japan, Great Britain, Germany, and France all had less than 100 homicides last year, while each of our largest cities last year had more than 1,000 homicides with guns.

Unfortunately, this rule does not go far enough. It does not permit the offering of an amendment that would incorporate the provisions of a bill I introduced on September 23, a bill called the Public Health and Safety Act of 1993. My bill is a companion piece to Senator CHAFEE's bill in the other body. It is H.R. 3132.

Mr. Speaker, my bill prohibits the importation, exportation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition. It establishes a 6-month grace period for the turning in of handguns. It provides many exceptions for gun clubs, hunting clubs, gun collectors, and other people of that kind. It sets a penalty of $5,000 or 5 years in prison for people who violate it.

Mr. Speaker, the American people are way ahead of the Brady bill at this point. I understand this has to be a very carefully crafted rule in order to move forward. It is important to take the first step with the Brady bill. But the American people realize this is already too little, too late. They demand more.

Mr. Speaker, there are many bills that have been introduced by my colleagues which do go further. This bill, H.R. 3132, the Public Health and Safety Act, will solve the problem in the future of the proliferation of handguns. We must go forward and stop the carnage on our streets, and the Brady bill is a very important first step.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from South Carolina [Mr. DERRICK] has 10 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 10½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we just heard the previous speaker, the gentleman from New York City [Mr. OWENS], let the cat out of the bag by saying what the real intent of the sponsors of this bill is, "It is a reasonable first step."

It is a reasonable first step to the taking away of guns from law-abiding citizens.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS], a member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, I rise today with the proverbial mixed emotions. On one hand I am grateful to the Committee on Rules for making in order the Gekas amendment, about which I will speak in a moment; but I am at the same time chagrined that they did not see fit to permit the amendments offered by my colleagues, such as the ones described by the gentleman from New Mexico [Mr. SCHIFF]. These would go a long way toward making the Brady bill more attractive and, on a political basis, really draw more votes on final passage, if indeed it will pass.

In the meantime, I ask Members on the floor and those who are in their offices watching on TV that when the Gekas amendment comes to the floor, we would ask that they consider it fully and support it.

What happens when the Gekas amendment comes up is it becomes a confirmation of what every single Member of this House really wants in this issue, and that is an instant check to be made available nationwide, at every gun dealer in the country, where a purchaser of a handgun in submitting his name and address and the other information will instantly learn through the dealer's computer capacity as to whether or not that individual has been convicted of a felony or is mentally incompetent or is otherwise flawed as a bona fide purchaser.

Mr. Speaker, this is the ultimate that is required for this type of legislation, the instant check, and everybody agrees. I will tell the Members now, that the primary provisions in the bill, as the proponents themselves have encased them, is to create a primary and an instant check. Only secondarily do they recommend the waiting period as a temporary period during which the instant check can come on board.

My amendment would give 5 years to the authorities that we would designate to create the instant check. Five years. My first thought was to allow 30 minutes, because our information is that the instant check can come on board within months literally of this date. But 5 years, we now say, we will allow for the installation nationwide of an instant check.

In the meantime the waiting period, if this bill passes, will take effect, and then fold out of existence when an instant check is operable across our Nation. That is a reasonable way to approach the primary target of even the proponents of a waiting period, namely, the instant check.

If we allow the bill to proceed as it is, with an instant check only being out in the atmosphere somewhere to be hoped for, to come into being perhaps some day in the next century, then we have accomplished nothing, and the proponents of the waiting period will fail in credibility if they do not put a time certain on their desire to have an instant check.

Mr. Speaker, I oppose the rule on the basis of solidarity with those of my colleagues whose amendments were rejected by the Committee on Rules, because they would have added greatly to this debate.

Mr. Speaker, if this rule is defeated, then we will have an opportunity for even more salutory features in this legislation.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of both the rule and the Brady bill. The rule is a reasonable rule. The three major amendments that were offered in the Committee on the Judiciary are made in order by the rule.

Mr. Speaker, let us face it: many of the amendments that were offered in committee and offered to the Committee on Rules were offered by Members who would not vote for the Brady bill under any circumstances unless it was totally gutted.

Even the gentleman just in the well, the gentleman from Pennsylvania [Mr. GEKAS], would not vote for the Brady bill, even if his amendment were carried, in my judgment. The gentleman is opposed to it.

It say to those Members whose amendments were not made in order, if you do not want to vote for the Brady bill, do not vote for it. Vote against it. But do not try to kill it with amendments that would gut it. It is a good bill; it is a reasonable bill.

Mr. Speaker, it has a 5-day waiting period. In my State of New Jersey it takes roughly 4 months to turn around a permit for a gun. That is too long. Our hunters and our sportsmen in New Jersey would love to have a 5-day waiting period instead of a 4-month waiting period.

The problem in New Jersey, like many States, is that we do screen out those that have criminal records, those that have mental histories, and those that lie on their applications. In fact, to date we have screened out 19,000 folks that were not entitled to a gun. The difficulty is they can come into other States in the Northeast and buy as many guns as they want and transport them to New Jersey, where they are sold on the black market.

The Brady bill will enable us to run a background check. When someone walks to a gun shop they have to fill out a form. One of the questions is, "Do you have a criminal record?" The second question is, "Do you have a mental record?" If they answer that truthfully, if they do have a criminal record, they are probably not very bright anyway, because nobody is going to check it, so why would they tell the truth? They do not have to in these States where they do not run a background check.

My colleague from New Mexico argues that in the last Brady bill we did not require a background check. Now he wants to make it permissive for the States to run a background check. Well, that is interesting, because in the last Congress the gun lobby made the argument that it was not mandatory, so there was not a background check.

They cannot have it both ways. The mandatory requirement is the right requirement. It improves the bill. I urge my colleagues to support the rule and support the Brady bill. It is a good bill.

□ 1040

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman from New Jersey [Mr. HUGHES] that he knows there were a lot of Democrat Members that had amendments turned down, not allowed. But those Members are going to vote for the Brady bill, so his total argument does not hold water.

The SPEAKER pro tempore. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

Mr. DERRICK. Mr. Speaker, I yield 15 seconds to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I say to the gentleman from New York [Mr. SOLOMON], who is a good friend of mine, but he knows that many of the Democrats who are offering amendments are also opposed to the bill. They would not vote for the Brady bill under any circumstances.

I say to my colleagues that are offering these amendments that are dilatory, in some respects, vote against it, but do not try to gut it.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for the gentleman in the well, but he knows that the gentleman from Ohio [Mr. TRAFICANT] was turned down, and he is going to vote for the bill. If the gentleman would come to the meeting he would understand.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, if a doctor prescribed medicine that had so little to do with a medical problem as this bill has to do with the criminal problem we are talking about, they would be subject to being charged with malpractice. My fear is that people will think they have done something by passing this bill, and I fear they will then not adequately support the legislation we have had underway for 2 or 3 years that will really do something.

Mr. Speaker, violent crimes are not only committed more frequently but also, due to instant communications and television, we are more aware both of the number and how senseless and horrible they are. Law enforcement, paying policemen, prosecutors, judges,

and incarcerating those convicted, is expensive. So, everyone wants a simple inexpensive solution. The current alleged solution to crime is a national waiting period to buy a gun, and a law banning assault weapons. Whether one is for or against those laws, everyone should be aware they will not solve the problems and why much, much more than these laws is needed.

Iowa has a waiting period to buy a handgun. During this waiting period, authorities can probably determine whether or not the applicant has been convicted of a felony in Iowa. The law works well within those limitations. But, most persons who would be ineligible to buy a handgun because of a criminal record can still buy a gun from a dealer (and most acquire them some other way) in a State other than the one in which they have a record. The State of Virginia probably has the most effective instant check handgun law in the country, and they have their felony records available statewide through computers; but a recent survey indicated a high proportion of felons and ex-felons from the New York City area purchased handguns in Virginia. The Virginia records, as would be the case in each State, are limited to crimes which were committed in Virginia.

The Subcommittee on Appropriations which I chair has been actively pursuing an effective solution to this problem as far as buying handguns from a dealer is concerned; but the program we are implementing will take more time. The solution to screening people who buy a gun from a dealer, is to have a national center computerized so that local law enforcement offices can instantly access information from all States. In other words, all States would supply that information to the national center and the national center will have a positive identification system which will identify any applicant for a handgun purchase who has been convicted of an indictable crime no matter which State in the United States the crime was committed.

We have invested $392 million so far in such a center, about a 4 hour drive from Washington, DC, and we hope to have it completed and equipped in about 2 years. Only the State of Virginia so far has computerized the information which each State would need to supply to the center. When the center is up and running in about 2 years, all those States which have supplied the information and purchased the necessary equipment will be able to access that information from other States in the system. We hope all States will be in the system by 1998 and will supply the information to the center on a continuing basis the way they have automobile licenses. Until it is completed, and all States are in it, it makes little difference whether the waiting period is 5 days or 5 months, it will not be sufficient to answer the problem even for the 17 percent who commit crimes with guns traceable to a purchase from a dealer.

Meanwhile, we will continue to establish the National Identification Center for this and other law enforcement purposes even though it too is one of those projects that some people like to call "pork". Although there is no substitute for the usual expensive law enforcement and punishment efforts, the establishment of this National Identification Center is needed and will be a significant help to local law enforcement.

Washington, DC, which has the strongest gun control laws in the Nation and the highest rate of violent crimes, has discovered that there is no magic or inexpensive way to solve the crime problems. Effective law enforcement still requires financial support of law enforcement agencies and eliminating the causes of criminal behavior. Until that center is completed and operating, the objective of a waiting period law will not be attainable by passing a Federal law; and when it is operating, the identification will become instant and a waiting period law unnecessary.

Mr. Speaker, I am afraid if we pass this bill many States will say, "Well, we have a Federal handgun waiting period. We do not need to cooperate with the records center." I think that what passing this bill will do is misleading people into thinking they are doing something effective when they are just not doing what we need to do.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

If I might add, Mr. Speaker, before I call my next speaker, I think the former speaker gave the best argument I have heard for the Brady bill.

Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, we are now here. The Brady bill is finally on the floor, after long waiting. Now we have a chance on this rule to determine whether this Congress, this House, will have a chance to vote on it. We have heard every possible reason for delay. We have had every log, every obstacle thrown in its path. Yet now, by one vote, by voting yes on this rule, we can finally get an up-or-down vote on the Brady bill, something that 85 to 90 percent of the American people want.

Mr. Speaker, we have had too much violence in our neighborhoods and on our streets, and even in our schools, in our churches, in our synagogues, too much. In Washington we have all these political arguments, all these little intricacies, but the guy or gal out there back home on the streets is saying, "What the heck are they arguing about? Get with it. Vote for it. It is time, already." Let us not get beltwayized around here. "Well, this amendment was allowed, that amendment was not." We all know the purpose of the amendments.

As the gentleman from New Jersey [Mr. HUGHES] brought out, the authors of the amendment are voting no on Brady, whether the amendments pass or not. There are attempts to dilute Brady. The rule in its fairness allowed them to come up. I am willing to take that hit. If the Members of this body want to dilute Brady, a modest first step, so be it, but let us vote. Let us vote. The amendments hurt. Not to vote at all kills, literally and figuratively.

I urge that we support this rule and get on with the people's business, and start understanding that the people are angry and anguished about crime in the streets. Brady, without amendment, is the first step to try and deal with that horrible problem.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to my colleague, the distinguished gentleman from Florida [Mr. MCCOLLUM], who is a senior member on the Committee on the Judiciary and a member of the Republican leadership.

Mr. MCCOLLUM. Mr. Speaker, today we are about to undertake consideration of the Brady 5-day waiting bill that we have considered on the floor on other occasions. It may well pass today, but my concern about it is, A, that it is unnecessary, as I have always believed, because we can do in 5 minutes as much checking to see if somebody is a violent criminal who is trying to purchase a handgun from a gun dealer as we are going to be able to do in 5 days.

B, more importantly, in a way, this bill is symbolic in nature only. It is not going to reach out in the real way that we have to reach out and solve the violent crime crisis that is facing this Nation.

Mr. Speaker, America is bleeding, and too many of the Democrats on that side of the aisle are dawdling instead of bringing out meaningful criminal legislation.

The chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS] has said, and I believe him, that he is going to do everything in his power to bring out some of these important issues, but it is embarrassing that it is going to be next spring before they are brought out. It is embarrassing to see the other body debating it and bringing a bill out now, when we could also be doing the same thing, and going to conference on a comprehensive crime bill that really will address the problem.

The problem is the revolving door. Too many of the violent felons in this country are going back out on the streets again, instead of being kept in jail. The only answer to violent crime in this country that will work is to take the violent criminals off the streets, lock them up in jail, and throw

away the key. They are only serving an average of 37 percent of their sentences today, the violent criminals. When that occurs, they go back out and commit another violent crime. Eight percent of all the criminals commit 80 percent of the violent crime.

Mr. Speaker, we need to be addressing this from a series of partnerships, regional prisons through relationships with the States, and we need to be making sure that States and others eliminate their parole provisions and require that the violent criminal serve at least 85 percent of their sentences.

We need to restore the Federal death penalty. We need to send a message, put swiftness and certainly of purpose back in the criminal justice system, put deterrents and incapacitation in there. Too many people on that side of the aisle believe crime is a social problem, believe that taking the guns off the streets is going to solve the problem, instead of taking the violent criminals off the streets. It is taking the people who use the guns off the streets that is the critical answer the American public demands.

Today's debate, as important as it is for a lot of people symbolically, is a diversion. The issue is when are we going to get to a major crime bill like the Republicans have produced and we have introduced. We are ready to debate that bill today in every aspect. A comprehensive bill such as the chairman, the gentleman from Texas [Mr. BROOKS], put in ought to be on the floor. If it is not our version, it should be his. Some version should be out here that really gets at the problem, instead of dealing with the issue around the edges that we are dealing with here.

We have a problem with the criminal justice system today. It is not working. We need to fix that justice system throughout this country and put the violent criminals away behind bars and keep them there, and as I said before, throw away the keys.

The Brady bill is not the answer to that. The comprehensive legislation is not here today. I urge a no vote on the rule.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from Florida [Mr. GOSS] has 1 minute remaining, and the gentleman from South Carolina [Mr. DERRICK] has 6 minutes remaining.

Mr. DERRICK. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I just want to respond to my colleagues from Florida. The problem with the omnibus crime bill, as the gentleman knows, is that unfortunately in the bill there are so many controversial provisions that in the last Congress the omnibus crime bill, which this tracks, died when some members of the Republican Party in the other body filibustered it to death.

What the chairman of the full committee, the gentleman from Texas [Mr. BROOKS] has done, as the gentleman knows, is pulled those provisions out that are fairly noncontroversial so we can pass what we can. I support many of the initiatives that the gentleman just described, and worked for them in the last Congress. It broke my heart, as it did the gentleman's heart, to see many of those provisions go down the drain because we packaged them in one bill.

Mr. SOLOMON. Will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from New York.

Mr. SOLOMON. The reason the bill did not pass last time is, Members on the gentleman's side of the aisle were irresponsible about things like habeas corpus. That is the only reason.

Mr. HUGHES. Reclaiming my time, the fact of the matter is, it is history. Republican Members in the other body filibustered it to death, ran us out of time. Here we are a year later, and we still do not have a crime bill. They killed it, because it was an omnibus bill. That is why the chairman of the full committee, the gentleman from Texas [Mr. BROOKS] tried for months to try and get a consensus for the entire bill. He could not, and broke it into parts, and sent the parts to the various subcommittees.

□ 1050

That is how this process works around here, I say to my colleague from Florida. He knows it, because he was my ranking Republican on the Subcommittee on Crime when I chaired that for a number of years. And how many bills did we see go down the drain because we could not get a consensus on controversial issues, and we saw good provisions go down with the ones that were controversial.

Mr. GOSS. Mr. Speaker, I yield myself our remaining 1 minute.

Mr. Speaker, as a cosponsor of the Brady bill I am glad this measure is finally coming to the House floor for debate and a vote. I know many colleagues and many people question the effectiveness of a national waiting period in fighting crime—and, frankly, so do I. I think most can support a national system to conduct instant background checks at the point of sale of a handgun. But, even though some States including Florida have an instant check in place, the process for implementing a nationwide check is not yet complete. That is where the Brady bill's 5-day waiting period comes in—it is an interim step that will sunset once the national check is implemented. I think that is reasonable—especially since States that are further along in their technology, like Florida, would not have to change their procedures.

Mr. Speaker, I am dismayed that the majority on the Rules Committee once again decided to shut down this process—restricting debate to only 3 of the 13 amendments offered. Sure, the majority will pat themselves on the backs for allowing three Republican amendments. But the debate over open versus restrictive rules is not partisan. There were legitimate Democrat amendments offered in the Rules Committee—including one by Mr. VOLKMER and two by Mr. TRAFICANT—but they too were denied. I am troubled that this rule shuts out amendments designed to tackle the very serious problem of unfunded Government mandates on States and municipalities. As a former local official, I am painfully aware of the enormous problem the Federal Government causes for local governments by heaping one another requirement on them without providing the resources to support the added costs. But perhaps the most embarrassing thing about this rule is the cavalier way in which the Democrat leadership shut out Mr. MCCOLLUM's comprehensive anticrime package. Fact is, the Brady bill is only one very small footnote to the major action desperately needed by this Congress to beef up law enforcement and fight crime. While Americans are demanding tough anticrime measures, while elections are turning on this issue and even the other body is stepping up to the challenge—this House is hiding behind a few powder puff cosmetics and not facing our responsibility. That is a disgrace. Mr. Speaker, the majority cannot seem to understand that the House of Representatives is supposed to be a deliberative body. We are supposed to air a wide range of views, look at a broad scope of options and exercise our collective wisdom to create the best legislative result. But that is not how it works around here—and so today I urge my colleagues to oppose this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. DERRICK. Mr. Speaker, first let us talk about the rule and the fairness of the rule. There was a number of amendments, I think probably 17 or 18, I do not remember exactly, that were brought before the Rules Committee. Many of those amendments were strictly there for one purpose, and that was they were dilatory, they were there to try to weaken the bill, to inflame one segment of the population as opposed to the other, not all, but a large number of them were. There were three I think substantial amendments that the House needs to debate that were presented to the Rules Committee by the minority. These amendments were made in order.

This is a fair rule, a rule that will give us an opportunity to debate the Brady bill, and will give those Members who would like to make adjustments in the Brady bill in its final form an opportunity to debate and to vote on

those amendments. It is one of the fairest rules, quite frankly, and I think most of our rules are probably fair, but I think it is more fair than most.

So I would ask that Members vote for this rule.

As far as the Brady bill is concerned, let me say this: I think it is a national disgrace that this body, together with the other body across the hall, cannot pass the Brady bill. We are talking about the crime bill. I think it is a national disgrace that we do not have a crime bill before this body today, that we are not dealing with assault weapons, that we are not dealing with criminals who take 10 or 15 years for their sentences to be executed, that we cannot deal with habeas corpus. We had a bill that passed this House last year that said that if you are on death row you have one appeal, and it must be done by a qualified lawyer, and it must be done within a year. We could not get it through the Senate. The reason these people stay on death row for as long as they do is because there are a lot of jailhouse lawyers, other inmates that go to the law library and figure out how to file petitions. We put an end to all this. And I think that should be before the House.

I think a comprehensive crime bill should be before the House. America is bleeding on its streets. And let me say, and it was mentioned, it is not just Washington, DC, it is not just Los Angeles, CA, it is not just New York City where all of this is happening. I can remember in my part of the country years ago we thought the drug problem was confined to the major metropolitan areas of this country, but we soon learned, much to our horror, that the drug problem was not a problem of the large metropolitan areas only, it was a problem of the small communities and bylaws throughout this country. And we are going to find out and are finding out that guns are murdering our citizens, handguns are murdering our citizens in our small communities as well as our large communities.

I will agree the Brady bill is a drop in the bucket toward solving this, but it is a step in the right direction. It is a step in the right direction to keeping guns out of the hands of criminals and keeping guns out of the hands of the criminally insane.

We are going to look back, all of us one of these days, and will never be able to explain to our children why we did not have what it took to pass strong crime legislation and to pass the Brady bill in 1993 if we do not do it.

We get upset, as well as we should, when 17 or 18 marines get killed in Somalia, but we do not get upset when 60 people are killed every day in this country by handguns. The Brady bill is a modest step in the right direction. I ask Members to support the bill and to support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 182, not voting 13, as follows:

[Roll No. 557]

YEAS—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Darden
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tauzin
Tejeda
Thompson
Thornton
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Woolsey
Wyden
Wynn
Yates

NAYS—182

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
LaRocco
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Martinez
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Obey
Orton
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Schaefer
Schiff
Shaw
Shuster
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Strickland
Stump
Stupak
Sundquist
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Bartlett
Bentley
de la Garza
Dellums
Gingrich
Hunter
McCloskey
Michel
Moakley
Morella
Rangel
Slattery
Torricelli

□ 1120

Messrs. STRICKLAND, LIGHTFOOT, and WILSON, Ms. DANNER, Mr. HILLIARD, and Mr. LAROCCO changed their vote from "yea" to "nay."

Mr. DINGELL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BARTLETT of Maryland. Mr. Speaker, due to unavoidable circumstances, I was not present for the vote on House Resolution 302, the rule for H.R. 1025, and the vote on the Ramstad amendment.

Had I been here, I would have voted "nay" on House Resolution 302 and "aye" on the Ramstad amendment.

□ 1120

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, NOVEMBER 10, 1993, TO MONDAY, NOVEMBER 15, 1993, AND ADJOURNMENT OR RECESS OF THE SENATE FROM WEDNESDAY, NOVEMBER 10, 1993, UNTIL TUESDAY, NOVEMBER 16, 1993

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 178) and I ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 178

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, November 10, 1993, it stand adjourned until noon on Monday, November 15, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, November 10, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, November 16, 1993, or at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the concurrent resolution is agreed to.

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, and I will not object, I would like to ask the majority leader about the schedule for the rest of the afternoon. Some of us have to catch airplanes to go to our districts for Veterans Day. We just cannot be around here much after 4 o'clock in the afternoon.

Mr. Speaker, can the majority leader tell us what the schedule is?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding, and I share his concern about the schedule.

Mr. Speaker, we believe that the bill that is in front of us, which is the only piece of business we have today, can be completed in 4½ or 5 hours. Obviously it depends on the length of the debate. We are going to try to hold all of the votes within the 15-minute period, and I urge Members to be here on time to vote so we can process this bill as quickly as possible.

So, we are going to try to get out by 4:30, if at all possible, and, if Members will cooperate in abbreviating their debate and getting here on time, we will get them out on time to be able to get home for Veterans Day events.

Mr. MONTGOMERY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

BRADY HANDGUN VIOLENCE PREVENTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 302 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1025.

□ 1124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield 15 minutes of my time to the gentleman from Florida [Mr. MCCOLLUM] and I ask unanimous consent that he be permitted to yield blocks of time within that amount.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1025, as reported from committee. H.R. 1025 provides for a 5-day waiting period for prospective handgun purchasers, which will remain in place until such time as a national instant check on firearms purchasers is certified by the Attorney General.

While I believe that H.R. 1025 is motivated by an understandable desire to keep handguns out of the hands of criminals, I have grave doubts about whether the bill achieves that purpose at all, and most serious, whether it infringes on the rights of law-abiding citizens.

It is important to be realistic about the nature of acquiring handguns in this country. The main market for the purchase and sale of such weapons is the illicit market. That is fact, plain and simple. We are deluding ourselves and the citizens of this country if we attempt to paint this bill as the answer to violent crime or even to the proliferation of handguns.

I cannot support the legislation in its present form. For a number of years, the legislation has been considered by its proponents as akin to "Biblical text." That is not my view, and I believe that it would be wise to keep an open mind throughout this debate about the three reasonable amendments being offered if there is a true wish to move the bill to the President's desk. But, if the goal here is simply to hoist up a banner for gun control in order to keep an issue alive, then we can continue to debate the bill endlessly for years to come.

If the House accepts these simple—yet critically important—amendments, I think there might well be wide support for the legislation. I, for one, would reconsider my position; but only if law-abiding citizens are treated with respect and accorded fundamental due process.

One such amendment to be offered by the gentleman from Minnesota [Mr. RAMSTAD] would merely allow a prospective firearm purchaser to inquire as to why he or she was denied that right—by requiring the law enforcement official to provide the reasons for the denial if asked for those reasons. I am happy to report that there appears to be an agreement on both sides to accept this amendment. I certainly hope so.

Another reasonable amendment to be offered by the gentleman from Florida, Mr. MCCOLLUM, would preempt all existing State law waiting periods—including not just those that are shorter than the 5-day period spelled out in the bill, but also those that are longer. Without the amendment, States without any waiting period will have imposed on them a 5-day waiting period; but, States with longer waiting periods get to keep them even after the instant

background check system—which is supposed to be national—is operational. Now, that turns logic and fairness on its head, just a bit.

A third amendment to be offered by the gentleman from Pennsylvania [Mr. GEKAS] would sunset the 5-day waiting period after 5 years. This amendment would create a time certain for implementation of the national instant background check in the bill. Acceptance of this amendment is proof positive that there is a real commitment to implement the instant background check in H.R. 1025. While the national instant check system is touted as a central premise of the bill in its current form, it is a premise with no teeth at all.

In conclusion, the Brady bill is no panacea for the scourge of violent crime in America. It may make a very modest contribution, however, if it targets with specificity that group of dangerous individuals who are the real problem—the criminal elements of our society. If the proponents decide to accept reasonable amendments to further that end, there may be a resolution of this issue, once and for all. If they don't, then they can take their chances here and in the other body.

□ 1130

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in support of the Brady bill, H.R. 1025.

Every day, 65 men, women and children in this country are killed with handguns. The Brady bill is not a cure that will completely halt the use of handguns in the tens of thousands of homicides, suicides, and accidents every year. However, it will help keep handguns out of the hands of people who have no business owning them, and it will help reduce the number of handguns on our streets and in our schools.

I need look no further than my home State of Delaware for evidence to support this. When I was Governor of Delaware, I signed into law the State's instant, computerized background check system for the purchase of a handgun. Since this system was implemented in January, 1991, more than 1,150 people who are legally prohibited from owning a handgun were stopped from purchasing one. Nearly 100 hundred persons wanted for crimes ranging from rape to dealing drugs to bank robbery, have been arrested.

Delaware is one of 5 States with the instant background check, which is a system the Brady bill calls to be implemented nationwide. In the meantime, a 5-day waiting period will give local law enforcement officials the time they need to check a person's background.

Let's put the Brady bill in perspective. Twenty-eight States—more than half of the States—already have waiting periods or instant check systems in place and would be exempt from the Brady bill.

For the vast majority of law-abiding citizens who want to buy a handgun, another 5 days, in the overall scheme of things, will not make a difference. In other circumstances, it will allow cooler heads to prevail before someone becomes armed with a lethal weapon. And, just as Delaware's instant background check has demonstrated, the Brady bill will stop convicted criminals from buying a handgun.

I urge my colleagues to pass the Brady bill today—and then, let's get to work on another important measure that I have introduced with my colleague DAN GLICKMAN from Kansas. H.R. 3098 will update this country's 25-year gun control law by closing the loophole that allows children to possess handguns. How many more school shootings by students do we need to wake up to the fact that it's too easy for minors under the age of 18 to get guns? And there's no Federal law to deter them from openly brandishing guns on our streets and in our classrooms.

And passing laws is only one part of the equation. There must also be tougher sentences, increased prevention efforts, and more treatment centers. We need to attack the underlying social problems that lead to gun-related violence by youths and adults.

But we must start somewhere, and the Brady bill is that much-needed first step.

Mr. PICKLE. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. SCHUMER], and I ask unanimous consent that he be allowed to delegate blocks of time within that 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise in strong support of the Brady bill and in opposition to these amendments that will be offered.

Mr. Chairman, I rise today in strong support of H.R. 1025, the Brady Handgun Violence Protection Act. The Brady bill is a vital part of the overall crime prevention package.

My home State of Maryland has a mandatory 7-day waiting period on the purchase of handguns. Since 1966, when the waiting period was implemented, over 16,000 handgun purchases have been disapproved. On average, 1 to 2 percent of all gun purchase attempts in Maryland are denied because the potential purchaser has a criminal record. For example, from January 1, 1993, through September 30, 1993, 24,704 people had applied to buy a gun and 264 of those people were disapproved. Clearly, this Maryland law has been very successful.

A mandatory waiting period on a national level would be successful as well and dramatically increase the effectiveness of local efforts like those made in Maryland. A large number of criminals do buy their guns from gun stores. A Bureau of Justice study found that 27 percent of State inmates purchased their guns from retail stores. An additional 28 percent of the State inmates got their handguns from the black market, a drug dealer, or a fence. Gun traces have shown that many of the guns that are being sold on the black market are originally purchased in gun stores in States that do not have waiting periods and/or background checks.

A national mandatory waiting period would stop cross-State purchases. Presently, many teenagers obtain guns through straw purchasers who cross State lines. Earlier this year the National Education Association estimated that more than 135,000 children bring guns to school every day. The growing impact of gun violence on our young people is devastating. A national waiting period on handgun purchases would help curtail the proliferation of weapons among the young in our society.

I am an original cosponsor of the Brady bill and a strong advocate of curbing the use, illegal use, of guns in our society. Since the Brady bill was introduced in 1987, over 150,000 Americans have died in incidents involving handguns. It is time to reduce the avenues through which criminals can obtain handguns. I urge my colleagues to follow the example of Maryland and impose a national waiting period on the purchase of a handgun.

Mr. PICKLE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Brady bill and against the amendments. I wish to commend the gentleman from New York [Mr. SCHUMER] for his leadership in bringing the Brady bill to the floor, which I hope will be a small comfort to those who died in the 101 California street tragedy and all others who have been victims of violence in our country.

Mr. PICKLE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise in strong support of the Brady bill, and I commend the gentleman from New York [Mr. SCHUMER] for his leadership.

Mr. Chairman, my friends to the right argue that the Brady bill is an abridgement of the second amendment. The Brady bill does not impact the right to have weapons, it merely requires a 5-day wait.

Mr. Chairman, my friends opposing the Brady bill argue that they cannot defend their families and property without a gun. The Brady bill does not impact self-defense.

Mr. Chairman, my friends on the other side argue that if the Brady bill passes, only outlaws will own guns. The Brady bill does not restrict gun ownership.

Mr. Chairman, I support the Brady bill, not because I think it will solve crime, it won't. I support the Brady bill because I want to save one life, and do some good. If requiring people to wait 5 days before purchasing a gun will save a life, we will have done our job.

I urge you to support a bill that attempts to curb an insane proliferation of guns in this Nation.

Mr. SCHUMER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, today is the day for this Chamber to join the American people in saying, "We have had enough." Today is the day to stand up and say enough to the boundless fever for handguns and enough to the senseless killings in every community.

Day after day, night after night, we see the bloody madness. Children kill children. Mothers die trying to protect their families. Parents bury children. Children bury parents. You and I and every one of us in this Chamber know that our neighbors, the American people, are sick and tired of this insanity. My neighbors in Queens and Brooklyn are scared. We are all frightened for our children. We are disgusted with this orgy of handgun slaughter.

Your neighbors, in Ohio and California and Wisconsin and all over America, are just like my neighbors. They want the killings to end. They want it now to end, and they are watching what we do here today.

It is said by the opponents of this bill that "Guns don't kill, people do." People have bad instincts in them, but without guns those instincts often do not result in killing, and with guns those instincts all too often do.

The people of America know there is no magic pill to end violence, but they also have the good common sense to know that waiting periods work, and they want the simple commonsense restraint of the Brady bill. It is well past time. It has been 6½ years during which we have debated this bill. We have been dragged through the thickets of ideological dithering. We have wandered through the forests of delay, and while we have delayed and delayed and delayed, handguns have killed Americans by the tens of thousands. The bullets from those guns have killed people. We must not fail again today.

If we fail to pass the Brady bill again today, our failure will be cast in grief and pain and marked by the waste of more lives needlessly lost.

But there is no reason to fail, there is no reason to delay. The bill is good, solid, well-crafted legislation. It imposes a simple 5-day waiting period on handguns. It will not take a single gun away from law-abiding Americans. It does not offend the second amendment in any way. It does nothing more than give our law enforcement officers, who all support the bill, a modest period of time. They will use that breathing room to keep handguns away from felons and others barred by law from owning firearms. It is that simple.

But there is danger along this last mile. The amendments to be offered today, seemingly innocuous, seemingly offered in the spirit of reason, if adopted, will distort this Brady bill beyond reason. So I urge my colleagues not to support the amendments. They have a common purpose. They are offered by opponents of the Brady bill who seek to eviscerate it.

In conclusion, Mr. Chairman, history is within our grasp today. Let us reach out, lift our hands, and touch it. Let us pass the Brady bill just as it lies before us and reject the mischief of these amendments.

□ 1140

Mr. McCOLLUM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am opposed to the Brady bill, the waiting period bill today, for two reasons. One, it is unnecessary; two, it is simply symbolic and a distraction from the real issue we ought to be getting at to address the violent crime crisis in America.

The 5-day waiting period in this bill is unnecessary for the simple reason that you can do in 5 minutes, or certainly in 5 hours, in 1 day, the amount of check that you can do with this waiting period to find out if somebody is a felon going to try to purchase a gun from a gun dealer. We have the ability to check the names today through the NCIC system throughout the Nation, through the police systems that are already set up. We do not have to wait for an instant check to find that out. We do need to improve the records. But there are not going to be half a dozen names in a period of a year that will be turned up by a 5-day waiting period that will not be turned up in 5 minutes. So it is unnecessary.

But worst of all, it is symbolic, in the sense that it is conceded by most people not to be the real answer. Too many people on the other side of the aisle in the Democrat Party believe that taking guns off the street is the answer to violent crime.

Mr. Chairman, that is not the answer. The answer is to take the violent criminal off the street, lock him up, and throw away the key. Unfortunately, we do not have that bill out here today. It is embarrassing that the other body has been addressing the problem while we have not.

We need to have regional partnerships with the States to have prisons that will take violent criminals off the streets and lock them up. We need to have provisions that will provide incentives that people who are violent criminals have to serve at least 85 percent of their sentences. The problem is the revolving door of these violent criminals, who go back out and become repeat offenders, again, and again, and again. That is not out here today because Democrats have been in disarray.

Republicans have a comprehensive crime proposal. We are ready to vote on it today. It should be out here, not this waiting period bill. We are together on the Republican side.

When the Democrats can get together and get their act together, maybe we can really get meaningful anticrime, antiviolent crime legislation out here, that will stop the bleeding the American people are suffering from today.

Mr. Chairman, this waiting period bill is nothing more than symbolism, and it should be defeated.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the chairman for yielding.

Mr. Chairman, I would like to address my remarks not only to my colleagues, but also to the general public, and especially to the media. Yes, Peter Jennings, Brokaw, and all, this is not a national 5-day waiting period bill. This is a fraud. This bill does not apply to the State of New York, or Washington, DC, or California, or my State of Missouri, or the State of Illinois. This bill does not apply to 24 States. Why does it not? Because we already have such a system, either a background check or a waiting period or a permit system. It does not apply to us. It does not apply to the high crime States.

I want somebody on that side to tell me how, by making it necessary for a resident of Cody, Wyoming, or Butte, Montana, to wait 5 days to get a handgun, how does that stop a person in New York City or Washington, DC, from shooting somebody? It does not. And that is what this bill does, because it does not apply to Washington, DC, to New York City, to Los Angeles, to Miami, to San Francisco, to Chicago, to Detroit, and many other of your high crime areas. So where do you get this idea it is a national 5-day waiting period? It is not. It has exemptions in it, and the only States it applies to are not high crime States.

So how do you stop crime by telling a law abiding citizen in Butte, MT, that he has to wait 5 days to get a handgun? No, it is not that. It is not an anticrime bill. This is an antigun bill, that is all it is. And what is it? It is a first step. Who said so? The proponents will tell you that. If you talk to them confidentially, they will admit this is not going to stop any kid from taking a gun to school in New York City, not one.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I rise in support of H.R. 1025. The stated purpose of the Brady bill is well known to all Members of this House as well as to the American public. Proponents of this legislation sincerely believe that it will have an important and significant impact on reducing handgun crime.

This year's version—H.R. 1025—creates a 5-business-day waiting period before a handgun can be obtained. During this time, law enforcement officials will have an opportunity to do a background check on the prospective purchaser. Should the Brady bill become law, the only persons who will be denied a firearm are those who cannot legally own firearms. That is, persons who have been convicted of crimes punishable by imprisonment for more than one year, persons under indictment, fugitives from justice, drug addicts and abusers, persons adjudicated as mentally ill, illegal aliens, persons dishonorably discharged from the Armed Forces, and persons who have denounced their U.S. citizenship.

Some have criticized this legislation as being ineffectual and misdirected. They characterize the bill as a "mere symbol"—legislation that will only raise false hopes. I readily admit that the Brady bill is no panacea for the serious, pervasive problem of violent crime in our society. There is much more that we can contribute in formulating broad-based crime legislation. It is a travesty that the House has been denied this opportunity.

This legislation does hold open the promise that a national instant check system will be established in the near future, one that will accurately identify individuals who should not be allowed to purchase handguns. To me, this is the most important addition contained in this year's version of the Brady bill. The bill now states that the 5-day waiting period will sunset as soon as a national, instantaneous background check is operational. It will also sunset for any individual state which requires a background check. To achieve this goal, H.R. 1025 would authorize $100 million per fiscal year for a grant program through the Department of Justice to States for the improvement of their criminal history records.

This focuses on the real problem—the sorry state of our criminal records nationwide. We must have an accurate system in place so that an instant background check can be conducted at the point of sale. Some States—Virginia, Illinois, Florida, Delaware, and Wisconsin—already have such a system in operation. We simply need to commit more resources so that the quality and accuracy of criminal arrest records can be upgraded and made available on a nationwide basis. This is our responsibility.

The Brady bill will have no effect in my state of New York. It will not apply to permit holders. It does not affect the long process my State requires for approval.

Mr. Chairman, I urge its passage.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN], a longtime supporter of the bill and a member of the subcommittee.

Mr. GLICKMAN. Mr. Chairman, as we stand here and again debate about the Brady bill, people are out in our communities and out on the street getting killed. While we talk and talk and talk, people are dying from gunshot wounds and dodging bullets. And many of these bullets are coming from guns bought by people who, by law, cannot purchase them.

Think about how ridiculous this is: Gunshop owners must take the word of criminals that they are not criminals. Right now, to purchase a gun, convicted felons only have to fill out a form and certify that they are not felons. After that they are able to buy a gun. This is absurd. By definition, felons have no regard for the law. They do not care if they lie on a simple form—especially since they know the form will not be reviewed by anyone. We need some way to check to make sure that people who are prohibited from buying guns cannot buy guns. This means that we need to be able to check the records from all States and from the Federal Government. Ideally we would have the ability to immediately punch in a name in a computer and get all the records, and I look forward to the day we can. But we're not there yet.

There has been a great deal of misinformation about this point. So let me reemphasize that, right now, even though some States have the ability to do an instant check, the Federal records are not all computerized and most States aren't either. We do not have the ability to tap into a computer and get information from both Federal and State criminal files. The Brady bill recognizes that someday all of our criminal records will be totally computerized—both Federal and State. And this bill provides that when we get to that day, a Federal waiting period will disappear and an instant check system will take over.

Yet despite the very rational and reasonable approach taken by the Brady bill, in committee and subcommittee there were several amendments offered to immediately institute an instant check system. That will again be offered here on the floor. The simple answer is: We would if we could, but we can't. So until we can, we need to have the waiting period.

Let me step back and say that I support the rights of law-abiding adults to purchase and own guns. I do not support a ban on handguns for adults, and I support the rights of hunters and sportspeople. But I also support the Brady bill because it is entirely consistent with those beliefs and even more, it just makes sense. The Brady bill requires an instant check system to be developed as soon as possible. It is a small price to pay to at least curb, if not stop illegal gun purchases that directly lead to the needless violence and gun deaths we see every day.

But in the end, this political debate is just talk. You don't need to listen to it. But you do need to listen to people like my constituent Jeff Jones. His finance Kim was shot, with a gun purchased on the day of the shooting, by an ex-boyfriend who had been convicted several times, in several States. Yet despite his record, on the very day he was scheduled to appear in court on yet another assault charge, this convicted felon was able to walk into a gun dealer, buy a gun and shoot Kim to death. This is not rhetoric, it is cold, hard, deadly facts. We need the Brady bill and we need it now.

I want to commend my colleague Mr. SCHUMER for pushing on with this bill year after year in the face of so much opposition. And I'd like to commend the chairman of our committee, Mr. BROOKS who moved expeditiously to allow this bill to come to the floor. But most of all I'd like to commend Sarah and Jim Brady who have been tireless in their efforts over these past years to get this bill to this stage.

Mr. McCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. CRANE].

□ 1150

Mr. CRANE. Mr. Chairman, I rise to oppose H.R. 1025. Although proponents of this legislation are well intentioned, the sad reality is that H.R. 1025 will do nothing to reduce violent crime in the United States. The most disturbing irony of the "Brady bill" is that it would not have prevented John Hinckley from purchasing the gun he used in the heinous crime against President Reagan and Jim Brady.

We have seen time and time again States enact waiting periods expecting violent crime and homicides to go away. In almost every instance, the homicide and violent crime rates increased. In my home State of Illinois, we witnessed an increase of 31 percent in violent crime and a 36 percent jump in our homicide rate. Alabama witnessed a 51-percent explosion in their violent crime rate and Massachusetts was helpless as the waiting period led to a 40-percent jump in the homicide rate.

The way to control gun violence is to send a message to criminals that if they do the crime, they do the time. We need to pass increased mandatory minimum sentences for criminals who use guns to commit crimes. We need to enact a comprehensive crime proposal sooner rather than later.

I would like to concur with my colleague, the gentleman from New York, Mr. SOLOMON, who, during debate on the rule, correctly noted that passage of the Brady bill is merely the first step in a series of gun control measures that groups like Handgun Control, Inc. want to see enacted.

If the Brady bill is passed, law abiding Americans will see their second

amendment rights eroded, but the criminals will still obtain guns. The black market is the hottest place for felons in search of firearms, and they need not wait for a background check in a dark alley.

Mr. Chairman, I urge my colleagues to oppose this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 1025, the Brady bill. This Brady bill is much better than the Brady bill that was passed by the House of Representatives 2½ years ago in May of 1991. It is better in two respects.

First, this year's version of the Brady bill includes the instant check system, which was used by opponents of the Brady bill on two separate occasions as a better alternative to the 5-day or 7-day waiting period that was originally proposed.

Second, this Brady bill sunsets the waiting period when the national instant check system is ready, on line, and so certified by the U.S. Attorney General. That means that once the instant check system is operational, there will be no more national waiting period, because both the police and gun dealers will be able to find out instantly whether or not someone who wishes to purchase a firearm is legally prohibited from doing so.

Classes of people who are prohibited from owning firearms under existing law, which is not changed by this legislation, include convicted felons, adjudicated mental incompetents, minors, illegal aliens, those who have been dishonorably discharged from the Armed Forces, as well as those who are under indictment.

Mr. Chairman, no person who does not fall under these categories will be denied a firearm if this legislation goes through, so this is not gun control for honest people. This is gun control for those who have lost their civil rights based upon a conviction or something else that they have done, and these people presently cannot legally possess a firearm. In doing so, there would be a felony committed on their part.

This piece of legislation is eminently reasonable. I am very, very disappointed that those who have said that the instant check system is better than the Brady bill will not support this legislation that includes instant check. I do not know why they will not support it, but the fact of the matter is that after we, who have supported Brady, have accepted their ideas and have terminated the 5-day waiting period, we still do not pick up their support.

The situation in criminal justice records in this country is a disgrace. This bill will automate those criminal justice records, which will be of benefit to law enforcement and to law-abiding citizens far beyond the whole issue of who should have access to a firearm.

I would urge strong support for this legislation, which is carefully crafted, and hope that it is passed overwhelmingly.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a strong supporter of the legislation and a member of the committee.

Mr. SCOTT. Mr. Chairman, I appreciate this opportunity to participate in what should be the final passage of the Brady bill by this Chamber. I applaud the work of the chairman, the gentleman from New York [Mr. SCHUMER] in promptly bringing this bill to the committee, and, above all, I commend Jim and Sarah Brady for their dedication and commitment to reducing handgun violence.

Mr. Chairman, in 1991 handguns killed 22 people in Great Britain and 12,000 people in the United States, so it does not take a rocket scientist to acknowledge that there is a problem of epidemic proportions that needs to be addressed.

Those opposed to the Brady bill will simply recommend stiffer sentences for those involved in gun crimes. I feel compelled to challenge my colleagues to take a more preventive approach. We are faced with a choice of preventing violent crime before it occurs or reacting to crime after someone has already been raped, robbed, or murdered.

Mr. Speaker, the Brady bill will not end all crime or prevent all criminals from getting firearms, but it is one step toward stemming the tide of handgun violence. Despite the theories by some in this body, convicted felons do attempt to purchase firearms. Hundreds have been stopped in California, and in Virginia we have denied over 5,000 requests of firearm purchasers who have been convicted of crimes.

Mr. Chairman, in addition, 319 persons who were wanted on crimes were attempting to buy firearms, so for anyone that says that the Brady bill is not effective, I ask them whether or not our communities are safer because wanted individuals are able to drop by their neighborhood shop to pick up their weapons of choice.

Mr. Chairman, I urge my colleagues to support this bill and to oppose amendments No. 2 and 3. We cannot afford any longer to go without the Brady bill.

Mr. McCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, today we face a crisis in this country that threatens both individuals and families. There isn't one American who doesn't fear for their own safety, or the security of a friend or family member at one time or another. The pervasive and intrusive problems violent crime has brought to nearly every community in the country cannot be ignored. However, as a husband, father, former businessowner, and Representative in the First District of Utah, I do not believe that passage of H.R. 1025 will take one step toward alleviating this fear.

A 5-day waiting period will not protect the innocent or disarm the criminals roaming our streets.

In the history of State and Federal gun control legislation, waiting periods, licensing systems, and registration strategies have never showed any discernible impact on reducing crime. There are currently 16 States which have some type of mandated waiting period when purchasing a firearm. None of these States can readily show that a waiting period has effectively reduced the rate of crime. In fact, many of them have experienced various problems, complaints, and unfortunate deaths related to the delay in legally purchasing a firearm.

During the riots in Los Angeles, Californians who wanted to protect their homes and businesses were told to come back in 15 days. Many of these law-abiding citizens admitted to illegally buying a gun off the street. Fifteen days is a long time when your world is in chaos and everything you worked for is being threatened. A waiting period isn't going to alleviate fear, it isn't going to protect honest citizens, it merely forces dealers to contend with more paperwork and mandates that local police provide an expensive service that will take valuable time and dollars away from the job that they do best—protecting a community.

Criminals are not honest and legitimate. They are sneaking around, making deals under the table, and terrorizing innocent people. Offenders are not buying their handguns from the local dealer. They don't mess with the paperwork and certainly are not going to check back after 5 days to see if their purchase has been approved. Whoever believes a waiting period will deter an offender is very naive. Those who have previously committed a crime, or are contemplating it, will either steal from homes and businesses, send a friend with no record to get the gun, or buy right off the street.

Every American who owns a home generally purchases homeowners insurance. Theft is covered under section I of a homeowners policy and I know from personal experience that firearms rank high in paid claims to homeowners who have been robbed. Guns are small, lightweight, very easy to resell, and worth a small profit on the street. In a study conducted by the National Institute of Justice, 84 percent of imprisoned felons admitted that they had never even attempted to purchase firearms legally. Their weapons were either stolen or obtained through an illegal source. They laugh at gun control laws because they know there are easier ways to have their own gun.

Gun ownership plays an important role in preventing crime. Let me offer

an example close to home: In my home State of Utah, I recently met with local officials in Wayne County. They explained to me that statistically, Wayne County residents own more firearms than any other county in the Nation. But, what's interesting is that in the history of Wayne County, there has only been one homicide since the turn of the century. And, this homicide occurred when a man caught his wife with someone else and stabbed the man with a knife. No one has ever used a gun against another person in Wayne County.

Criminals admit that they would not attack a potential victim if they knew that person was armed. Thieves avoid houses when people are at home, they bypass areas that are known to have protection, and they fear being shot during a crime. In most cases, gun owners who have used a gun in self-defense have been successful in preventing the violent attack. There are lawful and legitimate rights which should be upheld to allow citizens to own a weapon. Where I come from, people feel very strongly about their right to protect themselves and their families rights which should be upheld to allow citizens to own a weapon. Where I come from, people feel very strongly about their right to protect themselves and their families from anything that may intend to bring harm. This country was founded on freedoms which allow men and women to rightfully protect what is theirs.

After a gun is legally purchased, the owner may decide to sell it through the classified ads. The original owner can sell a gun at any time. In Utah, the Desert News runs column after column; listing the handguns and rifles for sale. Papers like the Desert News run ads all over the country, auctions are held and people generally don't know who is buying, selling, or trading the gun. By and large, these people are honest, upstanding citizens who collect guns as a hobby, but what is going to stop someone from purchasing a gun out of the paper, then turn around and rob a bank with it? Nothing. A waiting period is not the answer—gun control measures miss the mark, the crazies are always going to know where to find a weapon.

Violent crime is by far the largest problem facing American communities today, however, less than 1 percent of America's population are committing these heinous acts. This 1 percent equals about 2.5 million people who engage in violent acts. These people threaten security and erode our peace of mind. A waiting period is not going to deter them. H.R. 1025 is merely an attempt to place a Band-Aid over a problem that requires complete surgery.

Our system is not tough enough on criminals. The first time a violent crime is committed, we slap the offender's hand, deliver a light sentence, and put them back on the street as soon as good behavior has been exhibited. It is our responsibility to focus on toughening the law.

Congress needs to enact a real crime reform bill which protects the victims of crime, not the perpetrators. We should place a stiffer penalty on fencing a gun that is known to be stolen; increase fines and mandatory minimums for criminals using a firearm when committing any crime; build more prisons so the revolving door doesn't keep turning; and support capital punishment.

The American public would like to feel safe on their own streets—criminals should not be ruling our neighborhoods. But, H.R. 1025 is not the answer.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI], a member of the committee.

Mr. MAZZOLLI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Brady bill, and a proper tribute here ought to be given to several people, but, of course, premier among them would be Jim and Sarah Brady. Just a moment ago I was out in the House triangle, and Jim was out there, as he always does, charming the people with whom he was speaking.

The two of them, Jim and Sarah Brady, have taken tragedy and turned it into a national crusade for a good thing. Many people in their situation could very well have gone off in a corner and pretty much cried against fate for having dealt them this tough hand, but they took that hand and they have, with their spirit and zeal and charm and good humor and absolute perseverance, have reached this day, which is very historic, on which we will have a vote on a bill named after them, which takes a very simple step in the direction of bringing down violence in our communities.

□ 1200

I agree with people who say that this bill will not solve all of the problems. Indeed it will not. It has been praised perhaps too highly. It has perhaps even been lionized.

But, in fact, it is one element of a series of elements that go into a multifaceted anticrime package. And I would salute the gentleman from New York [Mr. SCHUMER], and his predecessor in that role, the gentleman from New Jersey [Mr. HUGHES], for having very stalwartly led the legislative fight.

But I think it is a good bill, Mr. Chairman. I believe that it will, if passed, enable the law enforcement authorities in our communities to keep guns out of at least some wrong hands, and in that setting save some lives.

So where we have an opportunity to vote for a bill that will save some lives, and will be one part of an overall comprehensive anticrime program, then I think we ought to vote for that bill. I hope the Brady bill passes unamended.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, this is a commonsense approach. I do not stand here and say that my support for the Brady bill is going to bring some kind of a nirvana in law enforcement. We need a lot more in the criminal realm in reforming habeas corpus, in providing capital punishment in various cases. But indeed this is a commonsense approach.

Essentially, what we have today is sale of handguns on the honor system. You walk into the store, you want to buy a handgun. You are presented with a questionnaire. It says are you a convicted felon. And essentially that is how we sell it.

That seems to me to be violative of our commonsense tradition in this country. How else essentially can we determine whether that person that walks in and buys the handgun is under a legal disability to do so? It seems to me at least to do a background check, and by the way, it is a maximum of 5 days, not a minimum, whereby individuals can purchase a handgun.

But the point-of-sale check is clearly the best procedure. And what this Brady bill does is get us one step closer to what everybody wants, and that is a point-of-sale instant check, and it works in a very effective manner in getting the States tseao bring their records up to date and do exactly that.

We do not need an artificial time limit for that, but it can happen because of the creativity of the committee in putting this bill together.

Mr. Chairman, a couple of years ago I had the honor to attend the opening of the Peace Officers Memorial, just a few short blocks from the Capitol. And it is very much like the Vietnam Veterans Memorial and it lists all of the peace officers who have been killed in the line of duty. And believe me, that list is getting longer every day. And I for one, who have a background in law enforcement, am tired of seeing on the news police officers killed in the line of duty.

Support the Brady bill. It makes common sense. It gets us off the honor system in terms of sales to convicted felons.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Chairman, I rise in support of the Brady Handgun Violence Prevention Act, and in opposition of any weakening amendments.

Like many of my colleagues, I come from an area where guns are everywhere. The escalation of violence has been frightening. Not even little children are safe. Whether a shooting is deliberate, criminal, done in anger, or accidental, it doesn't matter at all to the

victim, and today there are too many victims.

The leading cause of death in young people is firearms, whether it be homicide or suicide. Among African-American teenagers and young men, homicide is the leading cause of death. We can no longer sit around just wringing our hands about this. It is time to do something. The Brady Bill by itself is not going to solve the problem of violence in our society, but it is a statement that we are at a minimum going to make the attempt to prevent the sale of handguns to felons, illegal aliens, drug addicts, and those adjudicated as mentally ill. If we prevent only a few deaths, this legislation will be worth it.

This bill is named after Jim Brady, who suffered terrible injuries because of a mentally unstable person with a handgun. Perhaps John Hinckley would not have obtained his gun had there been a waiting period or background check. Perhaps the life of someone we know can be saved by a waiting period and background check.

A criminal may find another way to obtain weapons, but why should we make it easy for him? Keeping guns out of the hands of the mentally ill can save lives. Making an angry spouse wait a few days before purchasing a gun could save the life of a husband or wife.

This legislation is common sense legislation, yet their are those who would weaken even this modest bill. I am especially concerned about the McCollum amendment which would preempt State and local laws requiring waiting periods. This would affect my own State of Florida, where a waiting period was adopted by referendum, by a overwhelming 84 percent of the voters. The people of Florida are tired of the violence. The people of America are tired of the violence. Vote for the Brady bill and against weakening amendments.

Mr. McCOLLUM. Madam Chairman, I yield 1½ minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I rise today to voice my opposition to the Brady bill. I have thought a great deal about this question, as I suspect most of us have. Some answers come fairly simply and fairly easily, and some do not. This one is not an easy one.

All of us are opposed to crime and crimes committed by people with guns. On the other hand, all of us are opposed to placing unneeded restrictions on the liberties of law-abiding citizens.

We certainly read every day that America is under siege and the Congress has a chance to do something about it, and we are all interested in that. I say "something" is the operative word, and I suspect that is what this is, a chance to do something. Whether or not it is effective is really the question, and is it a solution?

I have concluded that whether it is 5 days or 5 months, it probably does not make much difference. Criminals will still have access to weaponry that they need. They will purchase it from friends, they will get it illicitly, and certainly all we will do is put an obstacle in place for people who buy guns for legitimate purposes and cause criminals to get them in a way that is illegitimate.

One size does not fit all, and that is an issue that we have here. I come from Wyoming, quite a different situation than New York City. And I think to try to attempt to have a blanket system that works for everyone simply is beyond the realm of possibility.

So Madam Chairman, I rise in opposition to this bill which I think simply diverts attention from the real problem, and that is the problem of doing something with criminals.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Madam Chairman, this amendment has bothered me, the Brady bill, for quite some time because I feel very strongly that it goes against the very belief of the second amendment. And I contacted the Archives, and I asked for some research work on the debate that was said at that time when Samuel Adams made the motion for that particular amendment.

During that debate it was made clear that every American citizen should have the right to own and bear their own arms, to protect themselves.

Now we can pass tough gun control laws. Look at which city has the toughest gun control laws in the country. It is this one, Washington, DC. But what city has more murders than any other city? It is this one, Washington, DC.

If we are going to pass tough gun control laws to prevent people from killing people, why do we not look at passing laws to outlaw knives, or hammers or other weapons?

I think it is important that all of us as American citizens and as Members of this body should do everything we can to help protect that precious amendment that our forefathers gave us in the right of protecting ourselves.

Mr. SENSENBRENNER. Madam Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Madam Chairman, I rise to participate in a colloquy with the gentleman from New York [Mr. SCHUMER] to affirm the legislative intent of H.R. 1025. Would handgun purchases in Michigan be exempt from operation of the Brady 5-day waiting period?

Mr. HOEKSTRA. Madam Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chairman, I would like to associate myself with the remarks of my colleague from Michigan and join in the colloquy on this important issue in terms of its impact on the State of Michigan.

Mr. SCHUMER. Madam Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from New York.

Mr. SCHUMER. Madam Chairman, I thank the gentleman for yielding. What I would say to the gentleman is that while H.R. 1025 exempts handgun transfers if the law of the State provides that a handgun transferee must have a permit to purchase and the permit is issued only after an authorized government official has verified that the information available to that official does not indicate that possession by the transferee would violate the law. Because Michigan law prohibits the issuance by the police of a license to purchase a handgun to anyone prohibited by law from receiving such a gun, the issuance of such a license would itself be a verification that the transfer would not violate the law.

The CHAIRMAN pro tempore (Mrs. LOWEY). The time of the gentleman from Michigan [Mr. UPTON] has expired.

□ 1210

Mr. SCHUMER. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. I thank the chairman for yielding this time to me.

Madam Chairman, I strongly support House passage of H.R. 1025, the Brady Handgun Violence Prevention Act.

The American people have a right to demand that Congress take action to prevent handgun violence in the streets of our Nation. They know that since the Brady bill was first introduced 6 years ago over 150,000 Americans have been killed by handguns. They know that there is something wrong when a convicted murderer can too easily purchase a handgun in violation of existing Federal law. They know that the Brady bill may not be the complete answer to preventing handgun violence, but Americans have expressed by overwhelming majorities their belief that the Brady bill can help.

There is nothing complicated about the Brady bill.

This bill provides law enforcement officials a 5-day waiting period to review handgun purchase applications and screen out convicted felons and other individuals who are not permitted by law to purchase a handgun. If law enforcement officials do not notify a gun dealer that a sale would violate Federal, State or local law, then that sale would proceed 5 business days after the date of the purchase application.

The Brady bill is just that simple. This bill applies at the Federal level the lessons learned in over 22 States, including Pennsylvania, which show

that waiting periods can stop murderers and other felons from purchasing a handgun. The experience of California offers one of the best examples of how effective a waiting period can be. Between January 1991, and September 1993, when a 15-day waiting period become effective in California, 16,420 illegal gun purchases were stopped, and of these, over 8,000 attempted illegal gun purchases involved individuals who were convicted for crimes of homicide or assault.

As an original cosponsor of the Brady bill, I know that a 5-day waiting period will not eliminate all crime in America, but it seems that saving even one life is worth this effort. President Clinton has stated his strong support for congressional action on the Brady bill. In addition, support for the Brady bill is widespread among many organizations representing members of the law enforcement community, such as the Fraternal Order of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs' Association, the Police Foundation and many others. This bill has also been endorsed by the U.S. Conference of Mayors, the American Medical Association, the National Congress of Parents and Teachers, and former President Ronald Reagan. The Brady bill is a sound proposal and its enactment into law is long overdue.

Madam Chairman, today the House can reaffirm its support for this legislation with the confidence that President Clinton will sign this bill into law. I urge my colleagues to support this bill.

Mr. SCHUMER. Madam Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. TUCKER].

Mr. TUCKER. I thank the distinguished chairman.

Madam Chairman, I rise in strong support of the Brady bill, H.R. 1025.

This is a historic day in the House of Representatives. We expect to pass the bill.

Madam Chairman, we have Jim and Sarah Brady outside in the triangle. It reminds me that just a couple of weeks ago when I was on an airplane with Jim Brady and I saw him walking and writhing in pain, now having been incapacitated by the gunshot wound that he suffered while serving the highest office in this land, the Presidency of the United States.

Madam Chairman, it is unfortunate that it took Mr. Brady and his wife Sarah to have to bring this issue to the American public. But on today we can make their labor one that is not in vain.

Very quickly to my colleagues on the other side of the aisle and those who believe that this bill would do nothing, that it should not be nationalized, I would say, yes, there are States that have a waiting period and others do not, but all of the States that have waiting periods, because of the natural tendency to buy guns in the States that do not have a waiting period and then go to other States in order to use them, it is time we nationalized this. I am in strong support of the Brady bill without any of the amendments.

Mr. McCOLLUM. Madam Chairman, I yield 1½ minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, this bill says America will spend $100 million a year—this year and again next year, and the year after that, and so on, until every State has a vast new network of computerized criminal records, accessible at computer terminals at every gun store, gun show, sporting goods stores, and everyplace else that sells firearms.

It is time to ask, will this system work? Will it be worth these untold billions of dollars?

It is silly to spend taxpayers' money on a system that can easily be defeated. It can be thwarted the same way that teenagers get around the alcohol laws, illegal aliens get forged documents, and others disguise their identity. It is called false ID. It does no good to run a criminal check on John Jones, when the person buying a gun is really Sam Smith.

And then this bill also has the 5-day waiting period to buy a handgun. But that is only for those who buy a handgun from a licensed dealer. Check out our prisons. Seventy-three percent of those people did not buy their guns through dealers. They bought them on the street. No waiting period, and no instant-check system is going to stop them. This bill will spend billions of taxpayer's dollars, it will make it harder for honest, law-abiding citizens to protect themselves, it will add another huge layer of redtape and Big Brother government. And all to do what? Just to try to catch the dumbest of the dumb—the poor souls who have a criminal record, and do not know they will be checked. And what happens when they're turned down? They leave the store, and buy their gun anyway, there on the street, where there is no flashy, chrome-plated computer terminal looking over their shoulder.

If a waiting period works, why do you not propose a waiting period on knives? They are used to kill people. And so are cars. And so is rat poison. Why do you not put a waiting period on those, since they are used to kill people?

Let us not throw away our money for a high-tech plan that solves nothing. With this $100 million a year, we could instead put more cops on the street, build more prisons, hire more judges and prosecutors so they won't be overworked and turn crooks loose through pleabargains. Instead, they could crack down to lock away the robbers, and the rapists, the muggers, and the killers.

Let us defeat the Brady bill.

Mr. SENSENBRENNER. Madam Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, I rise in the strongest support of this legislation, and urge my colleagues to do what their constituents expect and demand: Pass the Brady bill.

Make no mistake, my colleagues, and let no one tell you otherwise: This bill represents a crucial step in moving to curb handgun crime, and one that our law enforcement officials are calling on us to pass. How much more handgun violence must we endure—how many more lives do we have to lose—before we adopt a minimum Federal standard for handgun purchase?

Let me say to my colleagues that the Brady bill is a matter of simple common sense. Don't be fooled or misled: There can be no substitute for a federal, minimum waiting period. Indeed, this whole debate can be summarized in one sentence: Anyone who needs a gun right now needs a waiting period. Period.

The waiting period afforded by the Brady bill allows local law enforcement 5 days in which to make reasonable efforts to conduct a background check on a prospective handgun purchaser. In this way, we act to stop the ex-convict, or the mentally incompetent, from simply crossing a State line, putting his cash on the table, and walking away with a handgun.

Even more crucial, only this Brady bill allows the waiting period necessary to stop a flash of temper or moment of heated passion from driving a person over the edge, to handgun violence.

This cooling off period is absolutely critical, and the data here are clear: The number of gun-related accidents, and domestic violence incidents committed with handguns, continues to increase! Every piece of evidence demonstrates that crimes of passion and heat of the moment gun-violence continues to rise!

Each one of us—and more important, the police officers and law enforcement officials in each of our districts—can attest to this fact.

It is important for the record to examine objectively the provisions of the Brady bill and dispel some of the myths that the gun lobby would have us believe.

First, the Brady bill in no way provides for a system of national gun registration—quite the opposite. In every instance where a handgun sale is approved under Brady, law enforcement officers must destroy the information they've been provided within 20 days.

Second, there is no case to be made for unreasonable delay. The Brady bill is clear and explicit: After transmitting the name and address of the purchaser to local law enforcement officials, if the dealer has not heard back from law enforcement after 5 days, positively disallowing the sale, the buyer gets his gun. There is no room for delay—it's that precise.

Finally, this bill has no new restrictions on gun purchasers. No one who today is legally entitled to purchase a handgun will be ineligible under Brady. This bill just checks, and reaffirms, existing law.

I need not remind my colleagues that support for this bill is almost universal. From the State attorneys general to the cop on the beat, the men and women who have made crime control their lives' calling are united in their support for Brady. Every legitimate law enforcement organization has endorsed this commonsense, 5-day, waiting period.

More impressive, however, is the grassroots enthusiasm for this bill from our men and women in the field. I have yet to visit a police station in my district where officers did not commend me for my support of the Brady bill. This is the testimony of the frontline troops in the war on crime: How can you my colleagues turn your backs on law enforcement and in support of the gun dealers?

I would take this opportunity to make one point perfectly clear: We must defeat the weakening killer amendments that will be offered on the floor this afternoon. Among the most dangerous is the State preemption amendment, which would require our minimum Federal standard to preempt and prohibit tougher State laws.

This is absolutely ludicrous. The Brady bill is designed to represent a minimum, Federal standard. The idea that we would eliminate all other restrictions would be laughable were it not so offensive.

This is without question the most blatantly irresponsible amendment I have ever heard considered, and a reprehensible cave in to scare tactics of the gun lobby.

I stress gun lobby, because every one of us knows that support for this ill-conceived plan doesn't come from our constituents, the upstanding hunters, sportsmen, and collectors. This is pure political sell out to the NRA and their inside-the-beltway scare tactics.

In my own State of New Jersey, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands, and sportsmen are still getting their guns.

But under the State preemption amendment we will debate this afternoon, New Jersey's 20 years of strong, fair, and effective anti-gun-violence protections would be thrown out of the window for political expediency and special-interest payback.

When we even consider an amendment like this, it's no wonder why the American people hold our institution in such disregard. My colleagues, we can not let this reckless amendment stand.

It is unfortunate that any legislative effort to restrict firearms is painted by gun control opponents as an affront to—if not abrogation of—the Constitution. In fact, nothing could be further from the truth. The Supreme court of the United States holds that the second amendment does not allow free or unrestricted ownership of any weapon. Rather, the second amendment allows regulation of firearms so long as the regulation does not impair the maintenance of the active, organized militia of the States—Miller versus United States, 1939. The Supreme Court has consistently upheld this reasoning for more than 60 years, across a broad ideological spectrum.

There can be no substitute for the Brady bill, which will start saving lives the day after it becomes law. In contrast, an instant check alternative offers no such guarantee. Even the ambitious timetable established for the Justice Department indicates that the records on which this hotline is based cannot be up and running for years. I would remind my colleagues that when we last addressed this issue, the Attorney General of the United States report to Congress estimates indicates that it would take at least 3 to 5 years for the necessary information to be updated; the Office of Technology Assessment estimated up to 10.

I would add, however, that when the Justice Department certifies that such a system is fully operative, the Brady bill, and the national waiting period, sunsets. Frankly, I would rather that were not the case. The time it takes to bring a national, instant check system on line is but one of the failings of this alternative. Even when criminal records are updated to provide complete and accurate information, and instant check cannot and will not screen out the mentally incompetent, or drug abusers; and most important, as I discussed, this alternative allows no cooling off period for crimes of passion.

Again, my colleagues, this debate comes down to common sense, and simple logic: anyone who needs a gun right now needs a waiting period. Period.

I urge my colleagues stand up to the gun dealers lobby. follow President Ronald Reagan's example, support law enforcement, and do the right thing for the people.

Pass the Brady bill, today.

Mr. McCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I think in this debate you have to come to two compelling questions. First of all, do my colleagues believe criminals will be affected by waiting periods or other gun control laws?

Secondly, do my colleagues believe crime rates will go down with waiting periods?

I think you have got to look at the facts and you have to look at where waiting periods have been deployed because this is an emotional debate but it is also a debate that could infringe the right of our citizens under our Constitution, the second amendment.

Let us look at California: When California went from a 2-day waiting period to a 15-day waiting period, the homicide rate rose 126 percent, more than twice the national average. Or you can look at Washington, DC: People have already talked about this particular jurisdiction, the toughest gun control jurisdiction in the world, and yet it has the highest homicide rate in this country.

Waiting periods do not work. This is symbolic, but it is an infringement upon the second amendment rights of every citizen. The problem is not with an inanimate object, which is what a gun is; the problem is with the criminal justice system. There must be a punishment that fits the crime.

If we had strong punishment in this country, crime rates would go down. I think that is important and it is compelling to all my colleagues to separate the emotion and look strictly at the facts.

Mr. McCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

□ 1220

Mr. CUNNINGHAM. Mr. Chairman, some Members on the other side of the aisle said they did not want to support anything that would weaken this bill.

The Brady bill itself recognizes the importance of an instant check system. This amendment merely states, one of the amendments merely states that we should implement that system within 5 years. Most of us agree on both sides of the aisle that we have got too many weapons on the streets. There are too many senseless killings.

How do we stop that? Right now, under the Brady bill, you take paperwork that goes into local law enforcement which is not funded, and it ties up the cops with administrative burdens. The instant check would free that up. An instant check, if you would be a cop on the beat and stop and arrest someone, that could go into a computer right in the car or at the time of arraignment at the local station. If that persons gets out on a waiver or bail and goes to another State, they could not buy a weapon under the instant check because that data would be entered automatically.

If that is the case and it is a better system, then the State should implement it and that takes care of the second amendment. So this actually strengthens the Brady bill.

In my district, one of the things that has been recommended is if you commit a crime with a weapon—first of all, if you commit a crime, there is a penalty. If you commit it with a weapon, you take the next level of penalty. If you fire that weapon, the next level. If you hit somebody, the next level, and if you kill somebody, you die.

The "three strikes you are out" which is going around this House floor for no parole, life imprisonment, I think we ought to adopt that.

Mr. Chairman, I ask for support for both amendments to the Brady bill.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I rise in opposition to the Brady bill because I think it is a sham. The bill does not do what it is supposed to do. It nibbles away at gun owners' rights. But it does not accomplish anything else.

We all know that this country has a problem with crime—that is no secret, and I want to put an end to the crime problem as much as anyone else in this Chamber, but the Brady bill does nothing to stop criminals from getting guns.

Supposedly, the goal of the Brady bill is to delay the sale of a handgun by 5 business days to allow the local law enforcement officials time to do a background check on the potential gun purchasers. However, the bill does not ever require that the background check be done. The local chief of police has the option to do a check, but he does not have to do one. In this bill, the wait is mandated—the background check is not. It means the whole idea is an empty promise.

Then you have the fact that the vast, overwhelming majority of people who buy guns from gun dealers are law-abiding citizens. They are not going to use their guns to commit a crime; it is for self-protection or sports.

This means that even if the local law enforcement agencies do decide to use the waiting period for background checks, it accomplishes nothing. They are going to spend a lot of time and a lot of manpower doing background checks on citizens without criminal records. This is a total waste of limited law enforcement resources. I think we need those police officers on the streets battling crime, not behind a desk pushing papers.

Just think about it: What kind of criminal is going to try to buy a gun from a dealer knowing the police is going to do a criminal background check? Only a very stupid criminal. Criminals will keep buying guns where they always have—on the streets, illegally.

Mr. Chairman, this bill will do nothing to reduce crime. Instead, it punishes those who respect and obey the law by not allowing them to purchase a gun when they have the need for one. This just isn't right. Let us focus our efforts on the criminals, not our law-abiding citizens.

Waiting periods have not proven themselves to be of any value in the past and will continue to be unsuccessful. Waiting period or not, a criminal will find a way to get a gun.

In some States, where waiting periods have been employed, the crime rate has actually increased. In fact, a 1989 FBI crime report shows that of violent crimes committed in the United States, 74 percent were committed in States with mandatory waiting periods, while only 26 percent occurred in States with no waiting period.

The District of Columbia, which has an outright ban on ownership of any firearms, remains the murder capital of the country. In fact, just the past weekend, four victims were gunned down on Saturday night on the streets of D.C. As of Monday, the District of Columbia has reported over 400 murders in 1993.

If gun control does not work, why should we believe a waiting period will do anything? My colleagues who are supporting this bill are looking for a quick fix for our crime problem. Unfortunately, crime control will not come so quickly or easily. All this bill really does is delay law-abiding citizens from purchasing a handgun. It does nothing to curb crime.

If we want to keep criminals from committing violent crimes with handguns, then let us do it with a crime bill, not a gun-control bill. Guns do not kill—people do.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Brady Handgun Violence Prevention Act, as it was reported from the chairman's Judiciary Committee.

I urge my colleagues to oppose the Gekas and McCollum amendments offered today, which I believe serve to weaken states' rights and dilute the intent of the Brady bill.

The McCollum amendment to preempt State and local gun laws upon implementation of a national instant check system would undermine State gun laws, such as waiting periods and fingerprint identification systems.

Mr. Chairman, in my own State of California, mental health records are checked to stop those who have been involuntarily committed from purchasing handguns.

I mentioned earlier our tragedy at 101 California Street in which eight people were killed and six wounded. Mr. Chairman, the problem is that even though we have gun laws in California, the guns in that 101 California tragedy were purchased in Arizona. Our colleagues have mentioned the number of murders in the District of Columbia where there are strong gun laws. Even if a State has strong control laws, all one would have to do is cross over a State line to buy a gun. That necessitates a national gun law.

Mr. Chairman, let us take our children out of the crossfire. Let us pass this Brady bill unamended.

Mr. ZIMMER. Mr. Chairman, I rise in support of H.R. 1025.

Two years ago, I voted against an earlier version of the Brady bill, which required a 7-day waiting period for handgun purchases with only an optional background check. I voted instead for alternative legislation that provided for an instant, mandatory background check because it would have been more likely to keep guns out of the hands of criminals while minimizing inconvenience to law-abiding gun purchasers.

The legislation we are voting on today addresses my principal objections to the 1991 Brady bill. The background check is no longer optional and the waiting period will be eliminated as soon as a national instant check system can be implemented. Unlike the 1991 Brady bill, today's legislation authorizes up to $100 million in Federal grants for State and local governments to computerize their criminal records so the instant check system can actually work.

States that do not follow the Justice Department timetable for implementation of an instant check system will lose a portion of their Federal law enforcement grant money. The Justice Department also has a stake in getting this system on-line. Its budget will be cut if States don't meet their deadlines for implementation.

Even the most ardent supporters of this legislation agree that a background check of persons buying guns from licensed dealers will have only a modest effect on the criminal use of handguns, since the vast majority of firearms used in crimes are obtained illegally.

That is why we need to take stronger measures to convince criminals that it is not worth the risk for them to possess a gun. I have introduced the Felon Gun Penalty Act, which would impose a 5-year mandatory prison term without probation or suspended sentence for unlawful possession of a firearm by convicted felons, illegal drug users, fugitives from justice and buyers and sellers of stolen firearms. Simply put, if a criminal gets caught with a gun, he or she will go to jail for 5 years. No excuses and no time off for good behavior.

My bill would double the penalties for criminals convicted of possessing or using a firearm in the commission of a violent crime or drug trafficking. It would also double the penalties to 10 years in prison for those people who lie to obtain firearms, who illegally sell firearms or illegally transport firearms.

Persons who use guns to commit crimes should receive the harshest possible treatment.

I intend to continue pressing for passage of the Felon Gun Penalty Act, which would appropriately focus law enforcement resources on deterring the illegal use of firearms rather than imposing unnecessary restrictions on the rights of law-abiding citizens.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise today in support of the Brady bill and in opposition to weakening amendments, which could ultimately preempt State laws, including State law in Florida.

In November 1990, by an 84-percent majority, Florida's voters supported the establishment of a 3-day waiting

period for the purchase of handguns, augmenting a statewide instant check system for other weapons.

The entire Florida system has been a model for the rest of the Nation. Between February 1, 1991, and October 31, 1993, Florida authorities conducted 738,157 background checks for individuals seeking to buy firearms. These checks resulted in 18,789 individuals—convicted felons and those adjudicated to be mentally ill—being denied firearms. That is a staggering number of denials.

An unencumbered Brady bill would support Florida law. My district in Florida borders another State without a waiting period, and an individual who is denied a firearm in my district need simply cross the border to obtain one. This is not acceptable to my constituents or to me.

I urge my colleagues to oppose weakening amendments, and to support the passage of this much-needed bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY] who has been a strong advocate of the bill.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Brady bill. I congratulate the subcommittee chairman, the gentleman from New York [Mr. SCHUMER], and I urge my colleagues to vote against any weakening amendments.

Mr. Chairman, the issue today is who should we trust for advice when it comes to fighting crime? On one side of this debate—urging us to approve the Brady bill without weakening amendments—are the Fraternal Order of Police, the National Sheriffs' Association, the National Association of Police Organizations, the National State Troopers Coalition, the Major Cities Police Chiefs, the Federal Law Enforcement Officers Association, the Police Foundation, the National Organization of Black Law Enforcement Executives, and the Police Executive Research Forum. These groups together represent 465,047 police officers—from the chiefs of our Nation's largest cities to the regular cops on the beat. These cops want to see guns kept out of the hands of criminals.

On the other side of the debate we have the gun lobby. The National Rifle Association represents the eighth largest PAC in the Nation. They have an army of well-paid lobbyists who are trying to convince people that a waiting period and background check for handgun purchases are unreasonable measures.

I ask my colleagues—whom do you trust on crime? The police or the gun lobby.

Who do you trust on crime? Those who fight crime—or those who fight anticrime legislation?

Who do you trust? Those who safeguard our communities—or those who safeguard their contributions?

Who do you trust? Those who lock up crminals—or those who lock up legislation by promoting gridlock?

I for one will vote along with the vast majority of those who are fighting crime on the streets every day rather than those who sit in their lobbyist offices crafting new ways to block the will of the American people—95 percent of them—for the Brady bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, if there is any question still remaining about whether a background check and a waiting period actually reduces crime or in fact reduces law enforcement by taking resources away from agencies, checking out backgrounds of honest citizens, I think the key evidence is the position of the Department of Justice in this debate.

The Department of Justice in this administration speaks very much in favor of this bill; however, how are they doing with gun control laws that they now have the responsibility to enforce, that are on the books today?

One of the most effective laws we have is the current Federal law that makes it a crime for a convicted felon to be in possession of a firearm. That is a law that can be used very effectively to prevent a crime before it occurs.

For weeks on end I have contacted the Justice Department and asked them to say how many cases under this law have you prosecuted? How many have you refused to prosecute? And questions like that.

Until a few days ago, I did not get an answer at all. A few days ago I got an answer, "We're trying to get that information for you, Congressman."

Trying to get that information? If gun control laws were really the priority of the Department of Justice, why is there no one in the Department of Justice today monitoring how well the U.S. attorneys are doing in enforcing gun control laws?

This relates back to the fact that H.R. 1045 as written is an unfunded mandate on local law enforcement. If we pass this bill, we are saying that a background check is valuable, but only if the local governments do it at their expense. There is no way that the Justice Department would support this bill if they were responsible for doing the background check.

I think it is the height of inconsistency for the Department of Justice to be over here lobbying for this bill which puts a mandate on local law enforcement at local law enforcement expense, while not saying they can enforce the laws they are responsible for today.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, few Members supporting this legislation today would dispute opponents' claims that gun control is no cure-all for eliminating criminal activity. However, available reports indicate that not only do nearly 90 percent of Americans, and more than 80 percent of gun owners, support the Brady bill mandating a national 5-working day waiting period for the purchase of a handgun. The facts also indicate that such legislation can be of assistance in fighting crime.

The arguments made by Brady bill opponents that it will have no effect on crime, since criminals do not buy guns from dealers, is not true. The facts clearly demonstrate that criminals do indeed get guns from authorized gun dealers. The Bureau of Justice statistics reported earlier this year that 27 percent of State prison inmates who had owned handguns had purchased them from legitimate gun dealers. In addition, gun traces have shown that many guns bought by criminals on the black market were also originally purchased from retail stores. Furthermore, reports from several States with waiting periods show that waiting periods work. In my own State of Maryland, a stateside 7-day waiting period prevented more than 1,300 illegal purchases in 1990. In New Jersey, which has required a background check for more than 20 years, more than 10,000 convicted felons have been caught attempting to purchase handguns. A 1985 study by the Department of Justice found that 21 percent of criminals got their guns from dealers.

The Brady bill requires that the waiting period eventually be supplanted by an instant check system. But in the meantime, a 5-working day waiting period will assure that handguns are sold only to those legally eligible to possess them. I urge Members to support H.R. 1025 without any weakening amendments.

Mr. SANGMEISTER. Mr. Chairman, I believe it is important that we bring forth statistics from States, of course, that have already had a waiting period—and I am obviously from Illinois, and we have had one there—and I just recently got the 1992 figures, which are the most recent figures that they have, which shows that out of 171,000—in round figures—the people that asked for permits to purchase a gun, 1,234 of those requests were denied because of felony convictions and mental illness with the particular individual.

Now I cannot give my colleagues the figures here of how many people's lives might have been saved, but I will tell my colleagues that out of every 1,234 that were denied, no one can tell me that some lives were not saved.

I think the other question we need to ask here is: "What's the big deal about

waiting a maximum of 5 days to receive the permit for a handgun?''

I say, If you got to have a handgun within less than 5 days, maybe you ought to be talking to law enforcement. Is there some kind of a problem? Is somebody trying to assault you? Does your family need some protection? If so, maybe you ought to be looking to law enforcement rather than being worried about not being able to get the gun within the 5-day period.

As everyone has said here, Mr. Chairman, this bill is no panacea, but I believe it is a step in the right direction, and I think probably that is part of the problem with this bill and one of the questions we all have to resolve in our own minds.

There are people here who cannot disagree that this is good legislation but are afraid of opening the door. Yes, this will open the door. This will be the first step forward at a time when it is one this Nation should take.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise today in support of the Brady Handgun Violence Protection Act. Passage of this important legislation is long overdue.

Most of us are familiar with the tragedy of increasing violence that plagues our cities. New York is only one of the many areas around the country that has been particularly hard hit by the proliferation of handgun use. Gun-related crimes have become so prevalent in our society that no place is safe, nor is anyone immune to the escalating violence. The increasing incidence of handgun-related violence in our schools and among our Nation's youth is just one disturbing example. The Brady bill is an important preventive measure addressing the rise of handgun-related violence. How can we not seize this opportunity to stop violence before it has the chance to happen.

Contrary to claims by the opposition, waiting periods and background checks do work. Twenty-two States have enacted some form of legislation similar to the provisions included in the Brady bill. In those States, thousands of illegal purchases have been stopped. However, a national waiting period is crucial to ensuring that these efforts are not in vain. Currently, guns bought in States without waiting periods and background checks show up in the black markets of States that have labored to pass gun control legislation, such as my State of New York.

This is not a definitive solution to crime, but it is an important measure that can potentially save many lives. Ninety-two of Americans support the Brady bill. In addition, all major law enforcement organizations support this legislation. Pass the Brady bill. The Brady bill was introduced in 1987. We cannot afford to wait any longer for its passage, too many lives are at stake. I strongly urge all of my colleagues to vote in favor of H.R. 1025.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE], a strong supporter of the bill.

Ms. FURSE. Mr. Chairman, I rise today in strong support of H.R. 1025, the Brady Handgun Violence Protection Act, and in opposition to any weakening amendments offered. I want to thank all the members of the Judiciary Committee for their hard work on this bill, particularly the chair of the Crime and Criminal Justice Subcommittee, Mr. SCHUMER. I am a proud cosponsor of H.R. 1025 because I believe that it is an important first step in the ever-growing problem of crime in the United States.

While there are many arguments for and against the Brady bill, the truth is 92 percent of citizens in the United States fully support this bill. Even an overwhelming 87 percent of gun owners support it. We cannot allow a small minority to mislead us and say that the people of the United States are against this bill.

Those opposed to the Brady bill claim that criminals do not purchase hand guns from legitimate gun stores. That is simply not true. The Bureau of Justice found that 27 percent of inmates surveyed said they bought their guns at a retail store. The Brady bill will stop criminals from purchasing guns. In my home State of Oregon, where there is currently a 15-day waiting period in place, local law enforcement agencies disqualified 223 handgun purchases in 1991. This could translate into lives saved. If the Brady bill is passed, it is estimated that in one year, a minimum of 188,000 criminals will be denied the right to buy firearms.

The Brady bill must be passed now. The long delay in its passage has cost lives. Since it was first introduced 6 long years ago, more than 150,000 Americans have been killed by handguns—over 13,000 were murdered with handguns last year. Any amendments which would weaken this bill could cost a life.

There are two amendments before us today which concern me. The first is the sunset amendment which would force States to implement an instant check system in 5 years, regardless if they are ready. Under the Brady bill there is a reasonable timetable for an instant check to be implemented. The second amendment I strongly oppose would preempt all State and local gun purchase laws, including all waiting periods and licensing requirements, once a national instant check system goes into effect. This would mean that in my home State of Oregon, our existing 15-day waiting period to screen purchasers using an automated fingerprint identification system would be overturned. Federal preemption would also prohibit State or local background checks designed to stop the sale of guns to noncriminals who are prohibited under Federal or State law from purchasing a gun, including drug addicts, illegal immigrants, persons with a history of mental illness, spouse abusers, and minors using false identification.

Despite the opposition's concerns, I do not believe that this bill is an infringement on the second amendment's right to bear arms. I believe that the Brady bill is simply a way to keep firearms out of the hands of our criminals. If this bill stops even one criminal from buying a gun and using it on an innocent victim, then I say it is worth it.

Let me end, Mr. Chairman, with a statement made by the chief of police in my district of Portland, OR:

> The Brady bill * * * should be passed immediately. It is a national disgrace that we continue this unacceptable level of violence and, in effect, condone it through our inaction. We must join together to ensure that the Brady Bill be passed in Congress and passed now.

I urge my colleagues to support H.R. 1025, the Brady Handgun Violence Protection Act, and oppose any weakening amendments.

Mr. SCHUMER. Mr. Chairman, I yield the balance of my time to the gentlewoman from California [Ms. SCHENK].

The CHAIRMAN. The gentlewoman from California [Ms. SCHENK] is recognized for 1½ minutes.

Ms. SCHENK. Mr. Chairman, I have heard a lot of arguments for supporting a waiting period for handgun purchases, but perhaps the most powerful was made by one of my constituents. She wrote the following:

> Last year, on August 29 in Wellesley, MA, my 30 year old brother died. The cause of his death was a self-inflicted gunshot wound to his head—a wound which was caused by a gun he purchased just a couple of hours before he left this life, and left my sister, mother, father, brother-in-law, and three young nieces to grieve for him.
>
> If the Brady bill had already been passed, my family and I might still have this beautiful young man in our lives. As it is now, we have only pictures and memories.

The waiting period is not just a time to run a background check. It is also a cooling off period that can prevent individuals from taking impulsive actions with deadly consequences. I implore my colleagues to think about the individual life each of us may be responsible for saving by voting for the Brady bill without amendments.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time to close just for a minute or so. I would

like to respond, in a way, to some of the things I have heard said about this waiting period today.

Many of the examples, not all, but most of the examples I would say that have been given today about the horror stories that happen when a gun is used, are probably connected with people who are repeat offenders, with violent felons that we all want to take off the streets, and, by passing this bill today, we are not going to take them off the streets. Taking the guns off the streets is not going to keep this type of person from getting hold of a weapon, and that is why I said at the opening of this whole debate that I oppose this bill for two reasons.

One, because it is unnecessary; and, two, because it is primarily symbolic. It is unnecessary because we can do the check required, that is asked for here, a name check, which is all the record system allows right now in a matter of 5 minutes, or certainly no more than 5 hours in a single day. We do not need a 5-day waiting period to find out if somebody trying to purchase a gun from a gun dealer is a felon. And it is symbolic and distracting in the sense it does not get at the real problem. It does not get at the true, violent felon.

I have also heard people talk about my preemption amendment I am going to offer shortly, and I want to assure anybody who might be listening at this point that I am not preempting any State law. Any disability somebody has, if they are under 18, under a State law or if there is any restriction whatsoever on the purchase of a gun by State after the instant check period in this bill, if it passes, goes into effect, would not be preempted. The only thing that would be preempted is the waiting period per se. Since that would no longer be necessary and the purpose of it is to check violent felons to see if they have a record, once we have instant check we do not need it. But my bottom line point out of all of this in the general debate is that the bill is unnecessary and it is symbolic. What we really need out here is what the folks on the other side of the aisle generally have not been able to get together on, and I hope they do next spring. That is a comprehensive bill that is going to address the real problem, the revolving door of felons who commit these violent crimes. We need to lock them up and throw away the key. We need to take away the parole system and amend it, and reform the criminal justice system that puts swiftness and certainty of punishment back into the system again, to put deterrence into the system, to put incapacitation of the really bad folks in there by locking them up.

□ 1240

We can only do that when we get a comprehensive crime bill out here. We are not going to do it with a waiting period.

Mr. TOWNS. Mr. Chairman, our society is self-destructing as a consequence of violence that engulfs families, neighborhoods and communities. Many Americans are paralyzed with fear about the prospect of becoming a victim of violence or having to live or work in close proximity to potential violence.

In a November 1 hearing of violence as a public health issue, which I chaired in my Subcommittee of Human Resources and Intergovernment Relations, we received testimony that the increase in violence was directly attributable to the use of guns. Surgeon General Joycelny Elders pointed out that firearm injuries cost the health care system almost $3 billion a year. Our own President has talked about how violence crowds our emergency rooms and drains our health resources. Additionally, gun sales are spiraling as evidenced by the number of Americans arming themselves against an anticipated but unknown assailant. Firearms have accounted for more than 90 percent of the upturn in homicides in young Americans since the mid-80's. Ninety-five percent of the increase in the homicide rate can be directly traced to guns. And in some States, teenagers are even more likely to die from a bullet than they are a traffic accident.

From a public health prespective, prevention of violence is the key. We heard from witnesses who themselves were the victims of violence. All of them stressed that we need to take the guns off the streets of America. But no one expressed this more eloquently than a young promising student-athlete from my district, Ralph Green, whose leg was amputated because of a random shooting. As Ralph stated, "if you want to save the future generations of this country, you take the guns off the street." We should listen to the voices of the Ralph Greens in our community and pass the Brady bill today—without delay and without weakening amendments.

Mr. EWING. Mr. Chairman, I rise in opposition to the Brady bill. After careful consideration, I feel that this bill will do nothing to reduce crime, and by focusing on it we are being distracted from consideration of legislation which would have a real impact on crime.

Crime is a major problem in this country today. Even in my largely rural district crime is becoming a serious problem. We see gangs forming in smaller towns and increased levels of all types of violence. Instead of addressing the problems of criminals and the effects on victims, this legislation is a feel good bill that may make us feel like we are doing something about crime. In reality, it will do very little or nothing at all to reduce the amount of crime on the streets. One need look no further than Washington, DC, which has the strictest gun control in the country as well as the highest crime rates, to see that this policy will not work. Illinois has had a waiting period for several years, but gun violence continues to grow.

Instead of debating a feel good bill, we should be voting on a real crime bill with tough penalties for criminals. For example, Congress should pass the three-time-loser law which imposes a mandatory life sentence on anyone convicted of a Federal violent felony if that person has two or more prior violent felonies on his or her record. We should pass laws to require that criminals who commit crimes with weapons go directly to jail with no option to plea bargain the weapons offense away. We must reform the appeals process so convicted violent criminals do not tie up the courts or have the chance to get out of prison before their debt to society is paid. Congress should also find ways to keep weapons out of the hands of teenagers and pass laws to hold parents responsible for the actions of their unsupervised teenagers who commit crimes with guns. This is real crime control.

I have several additional concerns about this legislation. First, there is not a guaranteed timetable for implementation of the instant check provisions. In addition, the bill opens the door to corrupting influences where local officials could deny any individual the right to purchase a firearm or decide to ban firearms within the whole community for virtually any reason.

Finally, Mr. Chairman, gun control provisions like this one will only keep guns out of the hands of law-abiding Americans and leave the criminals armed. I am submitting for the RECORD an article from today's edition of USA Today about Ms. Bessie Jones, a 92-year-old woman from Chicago who saved her own life because she was armed when two teenager hoodlums entered her home. Innocent Americans like Bessie Jones should be allowed to defend themselves. In this case, due to Chicago laws outlawing ownership by law-abiding citizens, she is considered the criminal and the thugs are considered victims.

This Congress needs to address the escalating violent crime that is plaguing our country. However, infringing upon the Second Amendment rights of law-abiding citizens is not an effective solution.

[From USA Today, Nov. 10, 1993]

NO "EASY MARK": WOMAN, 92, SHOOTS TEEN ROBBER

(By Kevin Johnson)

CHICAGO.—Bessie Jones is 92 and, by most accounts, a sweet old lady who lives alone, owns a revolver and had the gumption to pull the trigger.

Now she's the talk of this town—two days after fatally shooting Muhammed Abdul-Rahmann, 16, who police say forced his way into her tidy brick bungalow Monday and rolled her in her wheelchair around her home in search of valuables to steal.

"If she hadn't got him, he could have got her," says neighbor Lueneal Smith, 86. "We're senior citizens. We don't need this."

Police call it self-defense; Jones won't be charged.

Police say Jones retrieved the .38-caliber, blue-steel revolver she called "Bessie" when Abdul-Rahmann went to confer with another youth standing watch.

"When he went back into the house, she told him to leave. When he came near her, that's when she shot him," police Sgt. Ronald Palmer says.

Abdul-Rahmann was shot once in the throat. The lookout fled; no arrest has been made.

Jones was with a relative and not talking Tuesday. But Rosa Bryant, a retired schoolteacher who helps care for her, says Jones phoned immediately after the shooting.

"She felt pretty bad. When she looked at him, she said, 'Oh, a mere baby,'" Bryant says. "I suppose compared to her, he looked like a baby."

Other neighbors in the tightly knit South Shore neighborhood stand by Jones, too.

"I'm happy. . . . Why should she die so some boy could get her money for drugs?" neighbor Maewatha Williams says. "You can . . . bet your boots that all the older people here have guns."

Around Chicago, "the consensus was, 'Good for the lady for defending herself,'" says Karen Lincoln of a WLUP-FM talk show.

Neighbors say Jones has lived alone since 1945, when her husband died of cancer. Two years ago, a slight stroke put her in a wheelchair. Since then, a senior citizens' group and neighbors have provided meals and helped her with housekeeping and chores.

Parties and lawn maintenance—not crime—are usual topics of monthly block club meetings here, neighbors say.

Yet Jones was worried.

"She was afraid of being robbed," neighbor Nathaniel Bryant says. "There were several incidents—windows broken, noises at strange hours—where she called the police."

Some knew she had a gun. Before she used a wheelchair, "She would sometimes pat her apron pocket and say, 'I got Bessie here,'" Williams says.

Neighbor Smith arrived at Jones' house shortly after the 2:25 p.m. shooting: "She was just sitting there in her wheelchair. She said, 'Oh, Miss Smith, I feel like crying.'"

The teen she shot probably didn't expect a gun, says police officer Gerald Slusarski.

"They just thought she was an easy mark. It's survival of the fittest, you know. But they grabbed the wrong tail."

Mr. HOEKSTRA. Mr. Speaker, I support the Brady bill, with the Ramstad amendment that will guarantee the second amendment rights of citizens by requiring law enforcement officials to provide written documentation for any denials that might be rendered. Such a guarantee is essential so that individuals who are denied permission to purchase a gun might be given a written explanation which they may use in the event that they appeal the decision in Federal court.

I am disappointed, however, that the Brady bill was voted on separately from the larger, omnibus crime bill. This is sending a misleading message to American people, and to my constituents, that the Brady bill alone is the answer to our Nation's violent crime problem. I do not believe gun control is the answer, and I will not support additional efforts to place even more burdens and restrictions upon law-abiding citizens.

The Brady bill is a modest proposal. Michigan law is exempted because it is already tougher than the Brady bill. Liz Welton, supervisor of firearms records for the Michigan State Police, has confirmed that Michigan's permit to purchase and computerized criminal history check fall within the guidelines established by the Brady bill.

It is important to state, in no uncertain terms, my firm philosophical and intellectual belief, that gun control is not a comprehensive deterrent to violent crime in this country.

Many of my colleagues believe that the Brady bill is just a first step, with more antigun laws on the way. I strongly disagree with this view and in no way subscribe to it. When we treat gun control as the be all and end all for crime prevention, we are making an enemy out of law-abiding citizens. Law-abiding citizens are not the problem. Too many violent criminals on the street are the problem. Guns are merely an easy target for liberals who need a scapegoat for lax criminal justice standards that they have supported for years.

I will be criticized for my decision to support the Brady bill. To my critics, let me state once again, that I do not buy into gun control. I will fight against the slippery slope. I am well aware of it, I have spent many hours talking with my constituents about it, and I will keep an eye on my antigun colleagues who will continue to push for more restrictive laws.

Let me reiterate, I do not believe the Brady bill is a comprehensive deterrent to violent crime. I simply believe that checking the background of handgun purchasers is a common sense step toward making sure that criminals and people who are mentally incompetent are not able to walk into gun shops around the country and simply purchase a handgun, or several handguns, without even a raised eyebrow.

It is important to understand the fact that the overwhelming majority of Americans support criminal background checks. Scientific surveys have found that 90 percent of Americans support a criminal background check for the purchase of handguns. In fact, over 80 percent of gunowners support criminal background checks, and over 65 percent of members of the National Rifle Association [NRA] support criminal background checks. The national NRA has officially endorsed a nationwide mandatory computerized point-of-sale background check on handgun purchasers.

I must add at this point a major additional consideration. More than 80 percent of the law enforcement officials from my district—the county sheriffs, the chiefs of police, and the county prosecutors—support the Brady bill and the concept of a nationwide criminal background check. They support the Brady bill in the hopes of establishing a national system whereby criminals who are involved in interstate gun running, and other forms of illegal handgun-related activity, will face additional obstacles while pursuing their criminal trade.

Why is a nationwide background check for the purchase of handguns valid? Because many of the illegal guns which are used in committing crimes are purchased in States that do not have criminal background checks. Consider this. According to recent statistics only 80 percent of the handguns used to commit violent crime in the city of Detroit were purchased in Michigan. Compare this with Dallas, where there is no waiting period or criminal background check; 87 percent of the handguns used to commit violent crime in that city were purchased in Texas.

But in spite of this, I firmly believe that a criminal who is intent on getting a gun will find a way to do it. No gun control is going to stop him. However, there are reasonable things we can do to make it more difficult for criminals to obtain guns, and that is why I am voting for the Brady bill.

Let me address the larger issue at hand. Violent crime in America is reaching epidemic proportions. It is affecting all segments of society. Nobody is safe anymore. Something must be done about it, and antigun laws are not the answer. In fact, I believe they are distracting to the overall issue of crime in America, as I stated earlier.

Stronger criminal justice measures are required for a serious effort at reducing crime in America. Crimes and committed by people, not weapons. People use knives, rope, hands, feet, and drugs, in addition to guns, to carry out their acts of violence.

We must deal with the criminal if we are serious about crime prevention. Seventy percent of violent crime is committed by only 6 percent of the violent criminals. Four out of five State prison inmates are repeat offenders. Two out of three released criminals will be arrested again within 36 months.

We need stiffer penalties, stronger measures to stem the tide of crime. We need mandatory sentences for crimes committed with guns. I support mandatory life imprisonment for third conviction of a violent or serious felony. We need truth in sentencing by requiring every inmate to serve at least 85 percent of the prison sentence imposed. Currently, violent criminals serve an average of only 35 percent of their sentences. Finally, and most important, we need more prison space, so that we can detain the 6 percent of violent criminals who are committing 70 percent of the violent crime in America.

In conclusion, I believe criminal background checks are fair. I have done what I can to make sure that the Brady bill does not place an undue hindrance upon law-abiding gun owners around the country, and I don't think it does. Michigan law is exempt because it is tougher than the Brady bill.

Furthermore, there is a mechanism in place that guarantees that anyone who is denied the right to purchase a handgun after the background check is given written documentation as to why they were denied. They can then use that evidence to make their case before a Federal court if they are still not satisfied with the decision of local law enforcement.

With this safeguard, I can, in good conscience, support the Brady bill. I hope my constituents will understand that I have taken the time to study and balance every side of this issue. I have sought after and received input from concerned citizens from my district, various organizations, and law enforcement officials. This was not an easy decision, but I trust history will prove that it was the right thing to do.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of this new, modified version of the Brady Bill. This legislation provides for a temporary 5-day waiting period for the purchase of a handgun, while requiring that a computerized instant check system be established. The instant check system is an approach supported by the NRA, and this legislation requires the waiting period to terminate as soon as an instant check system can be implemented. The bill authorizes $100 million for assistance to States so that they can establish a computerized instant check system. The waiting period can be waived where there is a need for immediate self-protection.

My vote must necessarily be based on my own evaluation of the net consequences of this legislation. Nonetheless, it is only appropriate that I acknowledge the overwhelming support for this legislation demonstrated to me by ordinary South Dakota citizens at my hundreds of town meetings, the 80 percent support expressed in scientific polls of South Dakotans, and perhaps most importantly, the strong support expressed by virtually every law enforcement organization in the United States.

This bill is supported by the International Association of Chiefs of Police, the Fraternal Order of Police, the Police Foundation, the National Sheriff's Association, the International Brotherhood of Police Officers, and the National Association of Police Organizations. The legislation is also supported by the American Bar Association, the U.S. Conference of Mayors, the National Association of Counties, the U.S. Catholic Conference, the League of Women Voters, the National Education Association, the National League of Cities, and the American Medical Association, among many others.

It is absolutely true that this new version of the Brady bill will have only a modest impact on gun crime in America—most criminals do not buy their handguns from licensed dealers. It is also true, however, that a temporary 5-day waiting period followed by a national instant check system creates only negligible inconvenience to law-abiding handgun owners. We need to bring this annual debate to an end and move on to the rest of an anticrime agenda that will focus on criminals and the conditions that breed criminality.

This House has already taken up legislation which will put more police on the streets and strengthen penalties against repeat violent offenders. Legislation to assist States with innovative sentencing alternatives such as "boot camp" prisons for youthful offenders will soon pass with my support. There is no one single solution to violent crime—we must aggressively move to put all the pieces of an anticrime strategy together. One small but helpful part of that strategy includes passage of this modified Brady bill. I ask that my colleagues join me in support of H.R. 1025, the Brady Handgun Violence Protection Act.

Mr. SMITH of Michigan. Mr. Chairman, I wish to associate myself with the colloquy between Mr. UPTON of Michigan and Mr. SCHUMER of New York. Mr. SCHUMER has indicated that Michigan's law, which prohibits the sale of handguns to convicted felons, exempts Michigan from the 5-day waiting period provisions of H.R. 1025.

Restrictions on guns will do very little to reduce crime in our country. Our greater energies in our efforts to reduce crime must be more effective apprehension, quicker and stricter judicial review and sentencing, assurances that those convicted will serve their time in prison, and most importantly instilling values and moral responsibility in the minds of our Nation's young people.

More specifically, we need: mandatory prison sentences for the most serious offenders; sentencing laws that will not permit armed and violent felons to avoid prison through plea bargaining; mandatory life imprisonment for a third conviction of violent or serious felony similar to the "3 Strikes-You're Out" initiative; death penalty for first degree murder with aggravating circumstances; tough, determinate sentences coupled with prison release policies that require every inmate to serve no less than 85 percent of the prison sentence imposed; adequate prison capacity with authority to privatize institutions; comprehensive effective juvenile justice reform with early internvention for youth at risk; and comprehensive, enforceable constitutional rights for crime victims.

I would also like to add, Mr. Chairman, that in trying to assure a safer society, the role of the family cannot be understated. Dedicated parents sustain families and the Nation. As models and guides for their children's values they help solve our crime problems. By teaching respect and hard work, families provide the key to a strong and safe economic future.

Mr. EMERSON. Mr. Chairman, I rise today in strong opposition to H.R. 1025, the Brady Bill. It is a shame when folks cannot walk the streets of their communities without fear of robbery or violence. The fact that folks can no longer leave their homes unlocked when they run to the grocery store is a sad reflection on the society in which we live. I agree wholeheartedly something needs to be done about the crime and violence that runs rampant through our society, unfortunately visible in every dark corner; however, I do not believe that the Brady bill will have a substantial impact on crime.

We need real reform, not wishful thinking. The only people who will be affected by this legislation are law-abiding gun owners. A criminal intent on committing a crime with a gun will not be stopped by the fact that there is a law on the books requiring a 5-day waiting period. Statistics prove that the majority of those States that have imposed some type of waiting period on gun purchases have experienced increases in violent crime or homicide rates—greater than the national trend.

The amendments offered by Mr. RAMSTAD, Mr. GEKAS, and Mr. MCCOLLUM are reasonable amendments that will considerably improve this legislation, particularly in regard to insuring protection for the rights of the law-abiding gun owners and I support these amendments wholeheartedly. While all three amendments are steps in the right direction, we are unfortunately down a road which I feel we never should have gone down in the first place. Impeding the constitutional right of American citizens is not in the first place right-minded legislation. Second, it will not stop the spread of crime.

I respect and have empathy for the man for which this legislation is named, however, we could have implemented 20 Brady bills and the unfortunate and tragic crime which occurred to Jim Brady would not have been prevented. I cannot vote for final passage of the Brady bill. I believe this bill sends the wrong sign in regard to crime control and instead that we should be arguing for real crime legislation which will keep criminals behind bars and makes the streets safe for our children.

Mr. FORD of Michigan. Mr. Chairman, I rise today as a cosponsor of the Brady bill and to urge my colleagues to vote "yes" on this important bill and "no" to any weakening amendments.

I am particularly concerned about the amendment offered by Congressman MCCOLLUM which seeks to preempt strong State and local laws with the national instant-check system once the system is in place. A Federal preemption would stop States which have waiting periods from maintaining their strong controls. One of the primary goals of the waiting period was to provide a "cooling off" time to prevent crimes of passion. This 5-day waiting period has always been a critical part of the Brady bill—attempting to prevent an overheated domestic dispute from resulting in a handgun death.

The McCollum amendment would stop States from checking State mental health records to keep those who have been involuntarily committed to a mental institution from acquiring handguns. It also stops States from using fingerprint identification to prevent felons from acquiring handguns with false identification. These higher standards should not be abolished.

There has also been a lot of misinformation about the intent of this legislation. Constituents have been warned that Brady will take away their second amendment rights, that Brady will be the beginning of a ban on guns, and that Brady will prevent law-abiding Americans the right to own a gun. These allegations are untrue.

I am a hunter and a gun owner; I would never support legislation that abolishes my right, or the rights of my constituents, to own guns. The Brady bill limits the sale of handguns to those who have a record of violence or mental illness. That is good public policy.

The Brady bill provides for a uniform, national system to allow enforcement authorities time in which to confirm a handgun purchaser's residency information and to check whether the buyer has a criminal history or a record of mental illness. This background check applies only to handgun sales through licensed dealers. Unless law enforcement officials notify the dealer that the sale would violate Federal, State, or local law, the sale may proceed 5 business days after the date the purchaser signs the statement. The legislation further provides for the 5-day waiting period to be replaced, once a national background check system is fully operational and certified by the Attorney General.

This legislation would not change the gun purchasing procedure that exists in my home State of Michigan. Because Michigan already has a permit-to-purchase law, the State is exempt under the Brady bill. Other States do not have such permit-to-purchase statutes or waiting periods on the purchase of guns. States with fewer restrictions feed black markets in States with restrictions. That is why I believe national legislation is necessary.

The impact of gun violence is being felt in cities and small towns. Americans do not feel safe. Numerous anticrime measures abound. These require and deserve serious consideration. The Brady bill has already been given serious consideration. It has been fine-tuned over 6½ years. It has received bipartisan support and has once again made its way through the legislative process.

Sarah and Jim Brady have taught us all something about perseverance toward intelligent and reasonable goals. President Clinton will sign this legislation. Let us deliver the goods. The Brady bill is not the whole answer to fighting gun violence, but it is a good beginning.

Mr. ANDREWS of Texas. Mr. Chairman, Congress will vote on the Brady bill today, requiring a 5-day waiting period for persons wanting to purchase a handgun. At a time when my home of Houston—not to mention the rest of our country—worries about violent crime, I want to enhance our law enforcement officers without seriously impairing our constitutional right to bear arms. That means supporting the Brady bill.

I have always opposed gun control. As a Member of Congress, I have long opposed any moves that would restrict the rights of Americans to own firearms for sport or security. As a former prosecutor in Harris County, I am convinced that many criminals will find unlawful means to get weapons, especially handguns. As an avid hunter, I believe gun control laws tend to hamper sportsmen far more than criminals.

The Brady bill calls for a waiting period to end once the instant computer system for background checks is fully operational. I support this approach. According to the Justice Department, establishing the system would require coordinating differences in State recordkeeping practices. Some States' systems are more sophisticated than others—that is, some States do not even have criminal records on computer yet. I still support an instant-check system, and will work for its implementation. But, realistically, a complete system is years away. A waiting period is a modest step until this national system is ready.

Tougher criminal laws are the best way to fight crime—complicated and unduly restrictive gun control laws are not. Tougher sentencing procedures and changes in criminal evidence rules will help our local police and prosecutors. I have always believed that waiting-period laws would not assist in apprehending criminals because criminals would simply not attempt to purchase guns from licensed dealers in those circumstances. I was wrong. New Jersey has a mandatory background check for handgun purchases. They have caught over 10,000 convicted felons trying to buy handguns. Evidently, many felons are not very smart.

The Brady bill will not be a panacea to crime control—it will, however, help our local police apprehend criminals. And our police need help. This fact was vividly and tragically underscored in Houston a few years ago by the death of Sgt. Bruno Soboleski, an 8-year veteran of the Houston Police Department, who was shot and mortally wounded while conducting a routine search. One of the suspects in the shooting was a convicted felon currently on probation who had illegally purchased his new handgun just days before the murder. A waiting period would have stopped him from making the purchase. The death of Sgt. Soboleski, and many like him year after year, is a primary reason why we need a waiting-period law.

The 5-day waiting period can help prevent felons, drug addicts, and the mentally disturbed from buying handguns. It also provides a "cooling off" period that will reduce crimes committed in the heat of passion. Again, my city of Houston offers a tragic example of a handgun crime that might have been prevented by the Brady bill. A man, on the day his wife filed for divorce, went out and purchased a .45-caliber pistol and that same evening shot each of his four children in the head before turning the gun on himself. Might this slaughter of innocent children have been avoided if the father had not been able to purchase a handgun on the very day he became distraught at his wife leaving him?

The Brady bill contains several safeguards for honest citizens. There is a specific exemption for people whose lives are being threatened, enabling them to purchase a gun without a waiting period. Also, if a clean report comes back from police before the 5-day period has expired the sale may go through at the time the report is received. In addition, a sale will automatically be approved after 5 days, so police cannot stop gun sales by simply failing to get back to the dealer.

The Brady bill is clearly a moderate measure that will simply help us keep handguns out of the wrong hands. The waiting period will be eliminated once an instant-check system is available.

Gun ownership has a long and proud tradition in Texas—so does law and order. Responsibility is an integral part of our right to own firearms—so is common sense. People are restricted from fishing with dynamite or from falsely yelling "fire" in a crowded theater, and not just anyone can purchase a machinegun. These are commonsense rules we apply to ourselves.

I am fully convinced that we need a 5-day waiting period. The waiting period makes good sense until a national computer system is ready. Voting for it is the right thing to do.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 1025, the Brady Handgun Violence Protection Act of 1993. This piece of legislation is long overdue. Over the last several years we have witnessed a precipitous increase in the rate of violent crimes involving handguns. In 1991 there were 21,505 murders in the United States, up 6 percent from 1990. Guns were involved in 66 percent of the murders. In 1992 violent crimes have increased by 1 percent. Firearms were the weapons used in approximately 7 of every 10 murders. A violent crime takes place every 22 seconds in America. In other words, by the time I finish my statement, approximately three violent crimes will have occurred. This is a disgrace and I am absolutely appalled by the increasing lack of respect for human life.

Let it be known that gun violence is not concentrated in the our cities, it is an epidemic that has reached our small towns and rural districts. Many American schools that were once places of learning and sanctuaries from violence have become shooting ranges. Our hospitals have become inundated with gun shot victims, as if they are treating wounded soldiers in a war. I see these violent occurrences and ask my colleagues if this is what our country is experiencing—a war?

H.R. 1025 takes a major step in preventing criminals from purchasing handguns and making our streets safer. It does not take guns away from law abiding citizens. It would simply require a 5-day waiting period before the sale of a handgun in order to give local police time to check the purchaser's background. In many instances, a background check and sale will be completed in a shorter period of time. The bill specifically exempts States which already require law enforcement officials to verify the purchaser's lawful right to possess a handgun. The Brady bill would not apply to my State because Tennessee already has a 15 day waiting period.

Mr. Chairman, I have long held that law abiding citizens have constitutional guarantees to own firearms and that these guarantees shall be upheld. I believe that the Brady bill protects that right and ensures that guns stay in the hands of law abiding citizens.

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Brady bill because I know it will work.

My State of California has had a 15-day waiting period for several years now, and by any measure, it has been an unqualified success. Since January 1991, the California waiting period has prevented over 16,420 illegal gun purchases, including over 8,000 gun purchases by ex-cons who had been convicted of committing an assault or a homicide.

Nevertheless, this bill is merely a first step. We must address the plague of violence that has deprived every American of the peace of mind to walk our streets. Last month, the Los Angeles Times noted that 30 American soldiers died in peace-keeping operations in Somalia, and that is a tragedy that galvanized and horrified the Nation. However, in 1992, an average of 30 people were shot to death every week in the streets of Los Angeles. This is madness, and it must end.

There is no panacea to solve this problem. Last week the House voted for more funds for prison construction, to put additional police on our streets, and to keep our schools free of violence. These are important steps.

However, if we are to make our streets and neighborhoods safe again, we have to take reasonable steps to regulate the use of firearms that have no legitimate use either for the sportsman or for those who seek self-protection. I feel that the only way to safeguard the American public from gun-related crimes is through commonsense firearm regulation. We must pass the Brady bill. We must pass controls on military-style assault weapons that are designed solely to kill both police and civilians with military-type precision. We must pass legislation to keep handguns and bullets from children who are not yet legally old enough to vote. We must look at innovative proposals like Senator MOYNIHAN's proposal to tax certain kinds of ammunition purchases.

These gun regulations are long overdue. They make common sense to my constituents. I urge this Congress to act not only on the Brady bill, but on devising a comprehensive policy to ensure that the criminals who bring terror to our streets do not have access to the guns and ammunition that are designed primarily to kill people rather than protect.

Mr. ROSTENKOWSKI. Mr. Chairman, the legislation we're voting on today is both important and overdue. The proliferation of guns on America's streets is a national scandal. The combination of adolescents and firearms makes our neighborhoods minefields of destruction. It is a sad day when we can travel safely to the moon, but are in jeopardy when we visit the neighborhood grocery store.

This bill won't totally solve the problem, but it is an important step forward. Enactment will send two clear messages. One is that we've got to get the guns off our streets. The other is that Congress is finally ready to confront this troubling problem.

I enthusiastically vote for this measure and today want to reaffirm my commitment to working with my colleagues here to put together even more effective legislation to get the guns off our streets.

Our Declaration of Independence promises our people life, liberty and the pursuit of happiness. The glut of guns in America is a threat

to all three of these goals. It is time to take back our streets and return tranquility to our neighborhoods.

Ms. SNOWE. Mr. Chairman, I rise in opposition to H.R. 1025, the Brady bill, which would impose a national 5 business day waiting period on anyone trying to purchase a handgun. While everyone shares the desire of this bill's proponents to reduce violent crimes, the Brady bill should be defeated because it simply won't be effective in reducing crimes committed by people with guns.

I would like to point out to my colleagues that violent crime is not a function of gun ownership. In Maine, approximately 55 percent of households contain a firearm. And yet, the violent crime rate in 1992 was 130.9 per 100,000 inhabitants. This is the fourth lowest violent crime rate in the country. By contrast, 30 percent of households in New York contain a firearm, and the violent crime rate in New York was 1,122.1 per 100,000 inhabitants. And in Washington, DC, 12 percent of households contained a firearm, yet the district had one of the highest violent crime rates, at 2,832.8 crimes per 100,000 inhabitants.

In fact, I propose to my colleagues that the reason there is so much violent crime is because criminals know that they probably will not be caught, and if they are caught, they know that they will not be imprisoned. The rate of serious crime jumped nearly 500 percent from 1950 to 1990, and expected stays in prison fell nearly 70 percent. In fact, according to a study by economist Morgan Reynolds, a murderer spends an average of 2.3 years in prison, a rapist serves an average of 80.5 days, robbers serve 27 days, arsonists serve 12.5 days, and car thieves serve 3.8 days. The best response to the violent crime epidemic would be a comprehensive crime bill, not the Brady bill.

In recent years, gun control organizations have claimed that the Brady bill will reduce violent crimes by allowing local police departments to conduct background checks on people buying handguns. If the police discover that the prospective purchaser is a felon or is mentally ill, the proponents of H.R. 1025 argue, their legislation will allow the police to prevent them from buying handguns. However, it is unlikely that the Brady bill will have the impact on violent crime that its proponents envision.

For example, a 1986 Justice Department study found that 5 out of 6 convicted felons illegally purchased, on the black market, the handguns they used to commit their crimes. Thus, under the Brady bill, police would be unable to conduct background checks on the vast majority, 83 percent of criminals buying handguns.

Supporters of H.R. 1025 also claim that its enforcement would prevent people with a history of mental illness from buying a handgun, but this claim doesn't withstand scrutiny either.

In our society, an individual's medical records are protected by privacy laws. Only someone who has been adjudicated by a court of law as mentally ill would be prevented from buying a handgun under H.R. 1025.

As an example, even if a national 5-day waiting period had been in effect in 1981, it wouldn't have prevented John Hinckley from buying the gun he used tragically to wound former President Reagan, White House Press Secretary Jim Brady, a Secret Service agent and a local policeman. It wouldn't have worked because at the time, John Hinckley wasn't a convicted felon and hadn't been ruled mentally ill by a court of law.

Another area of concern is that under H.R. 1025, a background check is not even mandatory. Rather, law enforcement agents must make reasonable efforts to check for criminal records. If the police don't have the time, personnel, or funds to conduct a check, it won't be done.

Congress clearly needs to shift the focus of Federal law enforcement activities away from gun control measures aimed at law-abiding citizens and toward effective law enforcement activities aimed at violent crimes. I urge my colleagues to join me in opposing H.R. 1025.

Mrs. CLAYTON. Mr. Chairman, I rise today as a show of support for H.R. 1025—the Brady Handgun Violence Prevention Act.

Firearm fatalities have become far too common in our world today. In the State of North Carolina alone, 6,000 people died as a result of injuries inflicted by firearms from 1988 to 1992. In the same 4 year period, 650 of my constituents were homicide victims—dying at the hands of another wielding a handgun.

The time has come to try to put a stop to these needless and senseless tragedies. The nationwide instant criminal background check, one of the major provisions of this crucial legislation, would block those individuals who should not be in possession of a handgun due to their mental state or from their criminal history from owning one. The second major provision, the 5-day waiting period, would prevent impetuous and impulsive handgun purchases by individuals—fueled by both passion and fury—whose actions most often result in tragedy.

Although I am a firm believer in the rights granted to all Americans by the second amendment—I do not think that either the background check or the 5 day waiting period constitute a punishment for law-abiding citizens. If we lived in an ideal world, there would be no need for this kind of Government intervention—however, I am sorry to report that our world today is far from ideal. My colleagues—your support for the Brady bill will provide a glimmer of hope for the future.

The Brady bill is, however, only a single step in the journey to reduce the amount of crime in our Nation. We must combine this legislation with others, such as H.R. 3355 which authorized $3.45 billion for the hiring of additional police officers and H.R. 3351, which authorized a total of $600 million for alternative juvenile punishments programs. Combined together, a difference can be made in the appalling level of crime in our Nation. Your support for H.R. 1025 not only illustrates your commitment to the future of this Nation but also your commitment to the present. The senseless tragedies of handgun violence can be stopped—but only if the Brady bill receives your support.

Mr. SKAGGS. Mr. Chairman, I am pleased that today the House of Representatives will pass the Brady Handgun Violence Prevention Act and in the process will say a resounding no to the National Rifle Association and other organizations that the Washington Post recently described as "handguns-are-great lobbyists." We will be saying no to demagoguery, no to distortions of the truth, no to strong-arm tactics that have bottled up an important and necessary piece of legislation for 6 years, and no to resisting reasonable measures that will save lives.

It is amazing to me that it has taken so long and has been so difficult. The need for this legislation is eminently clear. In the 6 years since this bill was originally introduced, more than 150,000 Americans have died because someone had access to a handgun and decided to use it. A recent survey by the Bureau of Justice Statistics showed that 27 percent of State prison inmates who had owned handguns had purchased them at a retail store.

While I harbor no illusions that passage of this, or any other gun control measure, will eliminate all handgun deaths or stop all would-be criminals from getting guns, I do think that this bill will help significantly to save lives. It is a sensible step to take.

No reasonable person, with a legitimate need for a handgun, should have a problem with waiting 5 business days mandated by the bill. The passions of the moment should not be indulged by immediate access to a deadly weapon. If there is a genuine need—a threat to an individual's safety—local law enforcement officials can provide the necessary waiver to make a handgun available without the waiting period. I do not object to that. But, other than that, the only reason to want a gun immediately is to do harm to oneself or someone else. Why should we make that easier?

Some argue that this law is not needed and won't work. They point to States that have tough gun control laws and high crime rates and say, "See, gun control doesn't work." They are wrong. It does work. The fact that the District of Columbia has tough gun control laws has sent the criminals over the border, into Virginia and Maryland, to get their guns. The tough laws in New York meant gun running from Virginia ran rampant.

Unfortunately, it is not enough to leave it up to the individual States to combat this problem. They cannot do it alone. To stop the flood of guns we must have a uniform national law. Only by stopping illegitimate access to guns all over the country can we make a real difference in how safe we are on our streets, in our homes, and at our schools.

This isn't just my opinion. Every major law enforcement organization in America says we need this law. The Fraternal Order of Police, the National Sheriffs' Association, the Police Executive Research Forum, the Federal Law Enforcement Officers Association, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the National Association of Police Organizations, and the Major Cities Chiefs, among others, have written to me asking for my support for this bill.

I support law enforcement efforts to eliminate crime from our streets. Law enforcement supports the Brady bill. Let's support law enforcement. Let's support the Brady bill.

Mr. DE LUGO. Mr. Chairman, today I rise in strong support of H.R. 1025, the Brady Handgun Violence Protection Act.

This important and desperately needed legislation would require a 5-day waiting period

before anyone buying a handgun would be permitted to take possession of it.

My colleagues, this bill is long over due. Had it been passed last year it would have saved thousands of lives. If we pass it today, it will save untold thousands more.

Guns are too readily available in our communities. I am distressed by the horrendous stories we hear and read about in the media due to violent, random criminal activity. It is unfortunate that whole communities are held hostage because too often we do not make the hard decisions.

We must get guns out of the hands of our children. Violence in our schools across the Nation has increased dramatically during the last decade because of guns.

Mr. Chairman, in my district, the Virgin Islands, we have not escaped criminal activity. Innocent victims are suffering needlessly under a State of fear and terror.

Hard-working people should not have to live under these conditions. Despair has become the cry of all of our constituents, communities are pleading for relief from the surge of drugs and random violence.

Mr. Chairman, I urge my colleagues to take a step in the right direction and save our children, our communities, and our law-abiding citizenry. We must begin to take practical measures to address crime, and this bill is an ounce of prevention.

Ms. WOOLSEY. Mr. Chairman, California has a 15-day waiting period for the purchase of guns. But on July 1, 1993, a man entered a San Francisco law firm with an automatic weapon and opened fire. We don't know exactly what made this man do what he did. We do know, however, how he was able to do it. This man drove to Nevada, where there is no waiting period. He walked into a store, gave them a false driver's license, and walked out with an automatic machine gun. Eight people, Mr. Speaker, are dead. Eight people, with jobs, families, and friends, are now dead.

While the Brady bill will not eliminate gun violence, it must be a part of any comprehensive approach to our Nation's crime problem. We need to put more cops on the street, toughen sentences, work to prevent people from committing crimes in the first place, and keep guns out of the hands of criminals. A national waiting period could have saved the lives of the eight people killed in San Francisco, and it will save many lives in the future.

We have heard all the statistics. We know that the American people overwhelmingly support the Brady bill. We know how many people have died from gun violence in this country. Sometimes I think that opponents of this bill are no longer affected by these statistics, because they have heard them over and over again—but Mr. Chairman, this is not about statistics. This is about lives—the lives of the eight people who were killed in San Francisco because there was no waiting period in Nevada, and the lives of all the people who are going to be killed if we don't pass the Brady bill now. I urge my colleagues to support H.R. 1025.

Mr. ARMEY. Mr. Chairman, I rise in opposition to H.R. 1025. This is not the answer to the problems plaguing our Nation. The American people today are extremely concerned by the level of crime in this country and they have a right to be. That's one reason why it gravely concerns me that we are considering the one solution endorsed by the ACLU, on organization certainly not known for its hostility to criminals.

According to the Bureau of Justice Statistics, violent crime has increased a staggering sevenfold since the 1950's. Every year, nearly 5 million people are victims of violent crime. In our Nation, a murder is committed every 5 minutes; a robbery, every 46 seconds. A car is stolen every 19 seconds, and a burglary is committed every 10 seconds.

Today, an American is more likely to be injured by violent crime than by an auto accident. Americans all over the country fear violent crime and many don't even feel safe in their own homes.

Sadly, the response that we are considering today, a 5 day waiting period, is lacking. Rather than aggressively locking up violent criminals who prey on the defenseless in our society, we're debating a glorified cooling off period. This is gun control, not crime control. We owe the American people more.

What are we going to say to the senior citizen afraid to cash her Social Security check at the neighborhood grocery store? "It's okay to go out now, we've passed the Brady bill." Are we going to tell residents of public housing that they don't have to worry about drug trafficking because now we've passed the Brady bill? What are we going to tell our children? "It's okay to go school now, it's safe—the Brady bill has passed."

Mr. Speaker, I submit that we won't say any of these things to the victims in our society because waiting 5 days isn't the answer. Waiting 5, 7, or 14 days won't make a difference because the problem in our Nation is the violent criminal. Thus our focus should be crime control, not gun control. This body should be debating solutions to locking up the violent criminals that terrorize our cities. We ought to be encouraging States across the Nation to pass Washington State's three times you're out rule which provides a mandatory life sentence for criminals convicted of three felonies. We ought to be debating new methods for challenging the consent decrees and court orders that force many States to let violent felons go free while serving as little as one-fifth of their sentences. We ought to be coming up with new ways to get funds to States and local governments trying to build new prison facilities. We should be here today talking about truth-in-sentencing laws and ending early-release programs. I submit that changes in these areas will make a difference in the crime problem our Nation faces.

Gun control isn't the solution because 93 percent of the firearms obtained by violent criminals are not obtained through lawful transactions. Less than 15 percent of violent crimes even involve the use of a firearm. In fact, a Texas A&M study demonstrated that firearms are used far more often to prevent crimes than to cause them.

Rather than putting felons behind bars where they belong, gun control amounts to tinkering around the edges. The American people deserve better. H.R. 1025 is not a step in the right direction. It's a wasted step. It won't work because it doesn't address the problem in our country, violent criminals. Let's support the innocent and the defenseless in our Nation. Vote against ACLU endorsed crime bills, and vote against the Brady bill.

Mr. LEVIN. Mr. Chairman, I rise in support of the Brady bill to require a 5-day waiting period. But, Mr. Chairman, the Brady bill, by itself, won't do the job.

Crime is a problem that is out of control in this country. The rising tide of violent crime touches all Americans. Even if you've never been a victim of crime yourself, every one of us pays a high price for the violent crime around us.

We pay the price in the form of higher insurance costs.

We pay the price in higher taxes needed to pay for the trauma care for the thousands of gunshot wounds every year.

We pay the price in terms of billions of dollars of lost productivity.

Most importantly, we pay the steepest price in the loss of innocent lives and because we are afraid. Our families no longer feel safe walking the streets. Even our children pay the price because schools are no longer a refuge from crime and violence.

Denying criminals easy access to firearms is only one element of a comprehensive anticrime agenda. If we are to stem the rising tide of crime and violence in America, we've got to get serious and get tough.

We should start by putting more police on our streets now. It's only common sense that more police on the streets will mean less crime. The House just approved legislation calling for $3.5 billion over 5 years to put 50,000 more police on our streets. This is the minimum Federal commitment the Federal Government should make. The Senate has agreed to 100,000 additional police. Between us, we will provide the resources to help local governments make our neighborhoods safer. It's about time.

Second, the Federal Government must do a great deal more to help States build prisons. Like other law-abiding citizens, I am outraged when violent criminals are properly arrested, prosecuted, convicted, and sentenced—only to be released back onto our streets before serving their full sentences. If these criminals are being paroled early because our prisons are too crowded, then we must build new prisons. I strongly support the Byrd amendment to the Senate crime bill that provides $3 billion for prison construction.

Third, we must crack down on gang activity. Toward that end, we must increase the punishment for repeat offenders who are gang members with a prior drug or violent crime conviction. I also support tripling the penalty for using children to sell drugs.

Youth violence demands a tough and certain response; at the same time, we must do more to deter juvenile crime in the first place.

Finally, we need the Brady bill. Every major law enforcement organization in the country—including the Fraternal Order of Police, the National Association of Police Organizations, and the National Sheriffs Associations—supports the bill. The Brady bill is supported by 92 percent of the American people—even 87 percent of all gunowners support the bill.

A 5-day waiting period is no panacea. The States that have already adopted such waiting periods find that they help. For example, in the

20 years that New Jersey has required a background check for handgun purchasers, more than 10,000 convicted felons have been caught trying to buy handguns. That's why the Nation's law enforcement community supports the Brady bill.

Mr. HASTINGS. Mr. Chairman, I rise today with pride to announce my strong support for H.R. 1025, the Brady bill.

It is rare that the Congress has the opportunity to consider such a clear and simple piece of legislation as the Brady bill, a bill which boasts bipartisan support. The National Rifle Association claims that the Brady bill infringes on the freedom of Americans and restricts the purchasing of guns. But the plain fact is, 92 percent of all Americans support Brady and furthermore, 87 percent of all gun owners support Brady.

The Brady bill works. My home State of Florida has a 3-day waiting period. Since enactment in early 1991, this policy has successfully stopped over 18,000 people, who had previously been convicted of a felony, in their attempts to purchase guns. The Brady bill will establish a national network through the Department of Justice to identify and prevent this acquisition of guns before it is too late.

The Brady bill is a necessary first step in combating the violence that is poisoning our communities nationwide. We have the opportunity to curb the vicious and purposeless crime that robs the youth and old alike of the most sacred gift: life.

Mr. KLECZKA. Mr. Chairman, I rise today in strong support of the Brady bill.

As you know, this bill was named after James Brady, a courageous man who was the victim of senseless handgun violence.

His assailant was a man with a record of mental instability, who was able to walk into a store, and walk out with a gun.

It was with this gun that he fired the shots that hit President Reagan in the side, missing his heart by 1 inch. It was with this gun that he fired the shots that hit James Brady in the skull, sentencing Mr. Brady to a wheelchair for the rest of his life.

Mr. Chairman, how many more times must we hear a story like this before Congress acts to curb the criminal use of firearms?

Mr. Brady was shot in 1981, and while we were all shocked by the pictures then, we are numbed to them now. So many times has this scenario been played out that it is no longer shocking. The story of a mentally distraught or criminal individual getting access to a gun and then slaughtering innocent people is now a regular feature on the evening news. This must stop, and it is the duty of Congress to help stop it.

In spite of the propaganda you may hear, waiting periods do work to keep guns out of the hands of criminals. In my home State of Wisconsin, a waiting period was recently enacted. In this short period of time, over 200 convicted felons tried to buy guns and were denied.

Mr. Chairman, it is time to stop worrying about protecting our guns and instead start acting to protect our constituents. I urge all Members to vote "yes" on the Brady bill.

Ms. ESHOO. Mr. Chairman, as an original cosponsor of the Brady bill, I rise today in strong support of its passage.

Over the past few decades, firearms ownership and violent crime have grown hand-in-hand.

In my district alone, east Palo Alto was labeled the "Murder Capital" of the United States last year because it had the highest number of murders per capita.

It's time for Congress to help make the streets safe again by passing the Brady bill.

Waiting periods work.

In California over the past 2 years, our 15-day waiting period helped deny firearms purchases to nearly 12,000 people, including 6,000 people convicted of assaults and 141 people under restraining orders for domestic violence. Instead of children carrying lunch pails to school, they're carrying guns.

Congress needs to take this critical step toward rationality and reject the hue and cry and money of the irrational gun lobby.

In the same spirit, I urge the leadership to bring the Violence Against Women Act to the floor for a vote.

Since 1974, the rate of assaults against women aged 20–24 has increased almost 50 percent and each year, more and more women are victims of weapons in their home.

Let us keep faith with what the people want us to do. I urge my colleagues to cast a courageous vote, a vote which will move our country forward and secure a better, more humane future for us all.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today as a member of the Sportsman Caucus in strong opposition to H.R. 1025, the so-called Brady bill. I am a firm believer in the second amendment right to keep and bear arms. Many in Congress feel the way to control crime is to eliminate guns. I do not.

In my judgment, eliminating guns will not alleviate the crime epidemic. The cause of the outbreak is the criminal. I believe we can better deter criminals by imposing strict penalties for those who commit crimes. Ultimately, the most effective way to deter crime is to send a message to the criminal that the punishment will be severe and swift.

Mr. Chairman, passage of this legislation is another example of Congress taking the easy way out. Earlier this year I introduced legislation that is cosponsored by the majority of the Republican leadership. My bill would double the Federal mandatory sentences for individuals who commit the most heinous crimes with a firearm in their possession. I believe this is a better approach at tackling the crime problem facing our Nation.

The legislation before us today would establish a 5-day waiting period before gun may be purchased. However, it does not mandate that local law enforcement agencies use this time to carry out a background check on purchasers. Mr. Speaker, I have serious doubts that this bill will reduce our crime problem.

I am pleased that the Gekas amendment establishes a mandatory 5-year timetable for the implementation of a nationwide computer system capable of checking an individual's background instantaneously. This instantaneous check will be conducted before an individual is allowed to purchase a handgun. The State of Virginia and four other States already incorporate such a system with great success. This certainly is not a panacea for our national crime problem, as most criminals procure their weapons illegally, but I feel this program is a step in the right direction.

Mr. Chairman, I will be unable to support final passage of H.R. 1025 because we failed to pass the McCollum amendment. This sensible amendment would have established a unified Federal policy on waiting periods. Once the national instant background check is implemented, there will be no need for the Brady bill. It is not fair to impose a 5-day waiting period on States that do not have a Brady bill. I believe we have the ability to preempt other State laws when the instant check system is ready. While I am pleased that the Gekas amendment passed, I cannot support the Brady bill without inclusion of the preemption language.

Like most gun control legislation, this bill will do nothing more than impose on the constitutional rights of law-abiding citizens. So, once again, rather than getting tough on the criminal, we will impede the basic rights of our constituents to protect themselves and their families.

Mr. Chairman, H.R. 1025 is a bad bill. Let's defeat this legislation and finally get down to the business of constructing a legitimate anti-crime package.

Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 1025, the Brady bill, which establishes a 5-working-day waiting period for handgun purchases. During the waiting period, police are required to check available criminal history records to determine whether the potential buyer has a felony conviction. The bill also directs the Attorney General to develop a national instant background check system so that in the future potential handgun buyers will not have to wait for up to 5 working days. Once such an instant system is established, the waiting period will be abolished under a sunset provision in the bill.

An overwhelming majority of Americans, including a majority of my constituents, support the Brady bill as a reasonable and sensible public safety measure which will pose little or no inconvenience to law-abiding citizens.

Three weeks ago, Attorney General Janet Reno visited my congressional district in St. Paul, MN, and participated in a townhall meeting on "Crime in Our Community." Chief William Finney of the St. Paul Police Department also participated in this event which was attended by some 700 people. The Attorney General, Chief Finney, and I heard firsthand about the concerns of the people of St. Paul for the safety of their streets and neighborhoods. People are outraged by the escalating level of violence on the streets of our cities and by the easy access to the guns which are used in these violent crimes.

Our constituents know that the passage of the Brady bill will not stop all crimes involving guns. But they also understand that it is not unreasonable to require a simple background check on a person who wishes to buy a handgun.

Unfortunately, some of my colleagues in the House are attempting to undermine this legislation by amendment. One amendment would terminate the Brady bill at a certain date regardless of whether a national background check system is in place. Experts from the Justice Department have said that even a 5-year deadline for establishing any kind of efficient national background check system is

probably unrealistic. We need to put our collective efforts into expediting the establishment of this system rather than tearing down the Brady bill before it even is in place.

Another amendment would wipe out all existing State waiting periods and other safeguards once any instant background check system is established. It would also prevent States from enacting any background check measure beyond a telephone check system. The effect of this amendment would be to abolish Virginia's one-handgun-per-month limit aimed at gun-runners. It would also abolish waiting periods of up to 15 days in Maryland, California, Oregon, Florida, Indiana, and Connecticut as well as permit-for-purchase systems in New York, North Carolina, New Jersey, and Michigan.

Mr. Chairman, a recent national poll shows that 71 percent of Americans believe the availability of guns is a key factor in causing crimes. Recent data from the FBI shows that from 1987 to 1992, the rate of handgun homicides increased by 52 percent. The American people know and they expect us to act responsibly.

I urge my colleagues to join me in voting for the Brady bill.

Mr. MANZULLO. Mr. Chairman, today we should be addressing the issue of crime. More cops, more prisons, less parole, and tougher sentences for criminals using guns, as opposed to further gun control, are the keys to reducing crime.

I voted against the Brady bill because waiting periods for guns do not keep guns out of the hands of criminals. The Bureau of Justice statistics shows that the vast majority of the violent crimes committed in which a handgun is used involve illegal possession of that weapon, including black-market and theft.

The State of Illinois has much more restrictive gun laws than Brady. In addition, Wisconsin, Iowa, and Indiana all have some form of a waiting period. It is already illegal for a resident of one State to purchase a handgun in another State. Thus, Brady will not keep guns out of the hands of criminals, and that is why I voted against it. Even Sarah Brady herself stated that "it's * * * not a panacea. It's not going to stop crimes of passion or drug-related crimes."

Therefore, the issue is not guns, but criminals, and therefore I supported the following measures:

First, because it is already a Federal crime for a felon to own a firearm, I support a bill that provides for States to put a magnetic strip on the back of all drivers' licenses—or other State I.D.—encoded to read whether someone is a felon or adjudicated by a court to own or possess a firearm. This would not be that difficult to implement. But, this alone will not stop crime.

Second, the House voted unanimously to put 50,000 more cops on the beat through Federal grants to States and local communities. The Senate version of the bill makes the figure 100,000, and I'll support that. The presence of cops on the street is a proven deterrent to crime.

Third, the Republican crime proposal provides for Federal grants to States to build combined Federal and State regional prisons, provided States make criminals serve at least 85 percent of their sentence. When California increased its prison capacity, crimes fell by 21 percent.

Fourth, I cosponsored a bill that put behind bars for life any person convicted of three violent felonies, and the Senate just passed another version of that 98 to 1.

Fifth, the House voted overwhelmingly for funds for addressing drug trafficking, gang-related activity and providing drug abuse counseling. The Chemical Dependency Services Network in Illinois demonstrates that alcohol or drugs are involved in three out of four crimes. The Illinois program known as Treatment Alternatives for Special Clients states that substance abuse treatment reduces criminal activity. This is why I voted in favor of these programs, although it is important to keep our focus on the fact that criminals should serve out their sentences.

In addition, the Republican crime proposal provides for nondeficit funding of these tough criminal measures, through a reduction in administration expenses of running the Federal Government.

Still yet, the most basic and primary focus of any successful crime initiative—one that will really deter crime—is prosecuting and locking up the criminals. Mr. Speaker, this alone will have the greatest effect of reducing the crime rate than will the Brady bill.

Mr. HUGHES. Mr. Chairman, today the House has an opportunity to vote on a bill which I believe will make a major contribution to our country's fight against gun-related violence and crime.

H.R. 1025, better known as the Brady bill, would establish a mandatory, 5-day waiting period for the purchase of handguns from licensed dealers. The need for this legislation is clear.

According to the Bureau of Justice statistics, handguns are involved in an average 9,200 murders, 407,000 assaults, 210,000 robberies, and 12,000 rapes every year. Indeed, nearly half the murder victims in our country are killed with a handgun, while thousands more use handguns to commit suicide.

These are not just numbers. There are real people and real tragedies behind each and every one of these statistics.

Some years ago, when I had the privilege of chairing the Subcommittee on Crime, we heard from Jim Brady and others, who eloquently and bravely related just what it means to be a victim of a handgun attack.

Indeed, it was the courage of Jim Brady, his wife Sarah and others in coming forward to tell their stories that helped to focus public attention on the senseless tragedy of handgun-related violence. Through their efforts, we have reached the point today where there is overwhelming support among the American people for a handgun waiting period.

Let me take just a few moments to highlight some of the key provisions of this bill.

Essentially, the bill creates a Federal 5-day waiting period before a licensed dealer may transfer a handgun to a private purchaser.

Each prospective handgun purchaser will be required to give the dealer a sworn statement containing some personal identification information, including a statement that the purchaser is not precluded under Federal law from owning a handgun. The dealer is required to transmit this information to the chief local law enforcement officer within 1 day of the proposed transfer.

Unless law enforcement finds the purchaser is ineligible to buy a handgun, the sale may proceed 5 business days after the statement is first signed. The sale may proceed even quicker if the local law enforcement notifies the dealer that there is no problem with the purchaser's eligibility. It's that simple.

In other words, the police are given a reasonable opportunity to conduct a background check, but they cannot indefinitely delay the sale by stalling or failing to provide a notice of authorization to the dealer. The onus rests entirely with the law enforcement officer, not the dealer or the prospective purchaser.

The Brady bill has several other important features as well.

To help protect the privacy of legal purchasers, it requires that a copy of the statement and other records of the transaction be destroyed within 20 days.

It also authorizes $100 million in grants to States to help automate their criminal recordkeeping systems, and terminates the waiting period requirement as soon as an instant criminal identification system becomes operational nationwide.

Mr. Chairman, there are some who argue that a waiting period doesn't work. They are wrong. I would urge those who doubt the effectiveness of the waiting period to look at our experience in New Jersey, where applicants are required to undergo a rigorous background check every time they apply for a permit to purchase a firearm.

Over the last two decades, more than 19,000 people who applied for a permit in New Jersey have been turned down, because the background check showed they had a criminal or mental history, they lied on their application form, or they were otherwise disqualified from purchasing a gun.

Unfortunately, New Jersey's waiting period law has been undercut by the fact that other nearby States do not have similar requirements. For instance, anyone can walk into a gun shop in Virginia, show a false identification card, lie on the application form and purchase a gun on the spot. All too often, these guns are carried into New Jersey, where they are used to commit crimes.

There are also those who argue that a waiting period is too much of a burden on law-abiding citizens. Let me say to those critics that we all endure waiting periods of one kind or another in most aspects of our lives, whether it's to get a license to operate a business, get a credit card, or for other purposes.

We fill out forms all the time including background information, ship them off and, if we're lucky, within some reasonable period of time we get the license or credit card or whatever else it was we are seeking. This bill does not create a record check which is any different than the kind we all experience dozens of times during our lives.

And if you really want to know what it's like to be inconvenienced, I suggest you talk to Jim and Sarah Brady. They suffer every minute of their lives as a result of a senseless act of violence which may well have been prevented if a waiting period had been in effect the day John Hinckley walked into a gun shop

in Texas, lied on his application form, and walked out with the handgun he used to shoot President Reagan, Jim Brady and others.

Mr. Chairman, I am a gun owner myself, and I value the privilege of owning firearms. I would not support legislation which would prohibit the private ownership of firearms. At the same time, however, I believe that society has every right to protect itself from those who would abuse the privilege of owning firearms.

The Brady bill is a very modest effort to provide a reasonable waiting period, which will help the police keep handguns out of the hands of criminals and mentally deranged persons. It's not the total solution but it's a start.

I urge my colleagues to support this bill, and to let the American people know that we are finally serious about doing something to halt the carnage which is taking place every day in neighborhoods and schoolyards across our Nation.

The American people overwhelmingly support the Brady bill. The time to pass it is now. Thank you.

Mr. NADLER. Mr. Chairman, I rise to express my strong support for H.R. 1025, known as the Brady bill. On behalf of my constituents in New York City, where over 1,500 handgun murders occurred last year, I want to say that it is high time this simple but important piece of legislation became law.

The Brady bill will not deprive any person otherwise entitled under State or Federal law to own a handgun of that right. It will simply ensure effective enforcement of existing laws governing who may and may not purchase a handgun.

Existing statutes place various restrictions on handgun ownership, notably with respect to convicted felons and individuals with histories indicating potential danger. And some States already have in place instant-check systems that make it possible to determine whether a prospective handgun purchaser is legally ineligible. But many States do not have such a system in place.

The Brady bill puts us on the road to having, within 5 years, a nationwide system of checking the background of prospective handgun purchasers. Until that goal is reached, the Brady bill requires a waiting period of 5 business days before a handgun sale is completed, providing time for a background check within the constraints of existing information systems.

Much more is necessary. As Brady bill opponents point out, most criminals do not obtain their handguns legally. Guns are just too easy to come by in this country. But the Brady bill is an elementary first step, providing us with the ability to give meaning to existing laws prohibiting the sale of handguns to convicted felons and to those whose personal histories point to danger. A wait of 5 business days is precious little imposition on the rights of those legally entitled to own a handgun.

I urge my colleagues to give their overwhelming support to the Brady bill, and to vote "no" on the weakening amendments backed by the National Rifle Association. The road to a restoration of safety on the streets of our cities begins with adoption of the Brady bill.

Mr. REED. Mr. Chairman, as an original cosponsor of the Brady bill, I am very pleased to see that this legislation is on the road to passage this year. This legislation is long overdue. The Brady bill was first introduced in 1987, and the gun lobby has used every tactic in the book to prevent its passage. From arguments about the right to privacy to the second amendment, we have heard it all.

And yet one thing that we have consistently heard is that the American people want the Brady bill. An overwhelming majority of Americans, including a majority of gunowners, support a waiting period. What the American people do not want is more stalling tactics by gun lobbyists.

The Brady bill is not a panacea for the violence that plagues our country, but the Brady bill will go a long way toward keeping guns out of the hands of criminals. Twenty-three States, including my home State of Rhode Island, have waiting periods that do in fact stop criminals.

It is time to stand up to the gun lobby and pass the Brady bill.

Mr. GRAMS. Mr. Chairman, I rise in opposition to H.R. 1025, also known as the Brady bill.

Citizens across America are rightly demanding that we here in Congress take real action to fight violent crime. Unfortunately, that's not what this legislation does. Even supporters of the Brady bill concede that it will do little to stop gun violence in this country.

Instead, what the Brady bill does do is give citizens a false sense of security while providing Congress cover for its failure to genuinely get tough on crime. At the same time, it forces honest citizens to go through needless bureaucracy at taxpayer expense, takes cops off the streets in order to process paperwork and creates a potentially dangerous delay for citizens who feel a need to exercise their right to self-defense.

History clearly demonstrates that this bill will not put an end to violent crime. In many States which have enacted waiting periods on firearms, the violent crime rate has dramatically increased. For instance, California's 15-day waiting period for all firearms has failed to stem a 178-percent increase in violent crime despite the State's waiting period. And in Minnesota, violent crime has increased 118 percent despite a 7-day waiting period for handguns.

In addition, the Brady bill will do little to keep guns out of the hands of violent criminals. Recent studies have indicated that over 75 percent of State inmates who had ever possessed a gun had obtained it by illegal means. Clearly, the most dangerous criminals will not be deterred by a waiting period.

Finally, Brady supporters give citizens the false impression that this bill requires a criminal background check at the time of purchase of a handgun. In fact, Brady makes no such requirements. If no background check is made in 5 days, none will occur.

I believe criminal background checks must be made. Therefore, instead of passing Brady, I believe Congress should enact legislation requiring the establishment of a national system to provide for instantaneous, point of purchase criminal background checks. Such a system would be more effective in screening out criminals, and unlike Brady would not inconvenience law-abiding gun purchasers.

That's why I've cosponsored legislation to provide for this, and wish we had the opportunity to vote on such a proposal today.

Mr. Chairman, the American people deserve real protection from crime, not political cover for politicians. Let's reject the Brady bill today and begin concentrating on meaningful crime control which focuses on punishing criminals and not law-abiding citizens. Let's reform our judicial system, let's put three-time felons away for life, let's build more prisons, and let's make sure prisoners serve their full sentences. In short, let's get tougher on criminals, not lawful citizens.

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 1025, the Brady Handgun Violence Protection Act. I wish to commend my distinguished colleague from New York, Representative Chuck Schumer on his efforts in bringing this bill to the floor and addressing the critical issue of gun control. I am certain my colleagues would agree that Americans from all walks of life are looking for action on this problem.

H.R. 1025 mandates a 5-day waiting period prior to the purchase of a handgun. During this waiting period, law enforcement officials would be furnished with the opportunity to investigate the background of the purchaser to ensure that the sale would not violate Federal, State, or local law. Moreover, this waiting period would establish a timetable for putting the national instant-check system in place, and authorize funds for State and local government to computerize criminal records.

In the last several years, we have witnessed handgun violence take a devastating toll on our Nation. While we are experiencing what appears to be increased handgun violence in different population groups and in certain areas of the country, the reality of handgun violence is that it occurs throughout America, and not exclusively in the inner-city communities like Washington, DC, New York, or Los Angeles.

Daily, we hear accounts of innocent children wounded by drive-by shootings, schools overrun by gangs with weapons, and other atrocities destroying human life. In 1990, no nation had a higher murder rate than ours. The United States murder rate was quadruple that of the entire continent of Europe and was 11 times higher than Japan. Americans are dying from unnecessary violent deaths in unprecedented terms and there is no doubt that the unrestricted acquisition and use of handguns contributes to this violence. Handguns are involved in an average of 9,200 murders, 12,100 rapes, 210,000 robberies, and 407,600 assaults each year.

These startling statistics should move Congress to enact the Brady bill. While it is not realistic to expect the bill to end all handgun crimes, the waiting period would prevent purchases made in the heat of passion and in the end save many lives. Nearly 92 percent of all Americans and 87 percent of all gunowners are in support of the Brady bill. We all agree that there needs to be an immediate response to this dilemma.

Mr. Chairman, 22 States currently require either a waiting period or a license prior to obtaining a handgun. Last year alone, through California's waiting period, 5,763 purchases were stopped. The Brady bill will allow for protection of States' rights by providing these 22 States with the option of either adopting the

Brady bill or continuing their own waiting periods, background checks and licensing procedures for guns even when the national instant-check system is operational. Presently, only 15 States have fully automated criminal history files. Four States have no automated criminal history files at all. Once the timetable of 80 percent automation of computerized criminal records is in place, the instant-check system will apply to all guns. This measure will reduce crime to the fullest extent possible by providing an instantaneous national system for felon identification.

Too many lives have been lost to handgun violence. The grim reality demands our immediate response. Mr. Chairman, the Brady bill takes a significant step in curbing the rising tide of our Nation's violence. The Brady bill will help to restore safety and sanity to our communities and I strongly urge all of my colleagues to support H.R. 1025.

Ms. NORTON. Mr. Chairman, I rise in strong support of H.R. 1025, the Brady Handgun Violence Prevention Act. Some members are fond of railing against shootings in your Nation's Capital. Yet you can't buy a gun in this town. Unlike the modest 5 days of the Brady bill, the District of Columbia waiting period is perpetual.

Nevertheless, there have been 406 killings as of today in the District. Yet every gun and every bullet comes from where some of you live, my friends. If you are serious about the shootings in this town, you must do something about the guns that come from your towns.

The Brady bill at least keeps guns from the worst menaces—felons, unstable people, and the like, who today often do not have to go far to buy guns legitimately.

Yet the NRA sharks are circling these congressional waters. Without shame, they would knock over baby Brady as the bill takes its first steps. Two amendments offered would effectively abolish State and local laws that are stronger than Brady on the pretense that a national computerized instant-check system would make waiting periods unnecessary.

However, the information on the instant-check system will confirm far less extensive information than some existing waiting periods could uncover.

The very idea of preempting the traditional local option to have stronger anticrime laws than Congress enacts would be shocking if it were not so brazen. My colleagues, if you don't want to reach a higher law enforcement standard, please have the decency not to pull down those of us who have.

Pass the Brady bill.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 1025, the Brady Handgun Violence Prevention Act. For 6 years we have debated the merits of a 5 day waiting period for persons purchasing a handgun and for 6 years as we have debated I and my constituents have had to watch as children and adults are killed and injured by firearms. I am absolutely disgusted and fed up with the needless, random violence occurring daily, like clockwork in our communities.

Many residents of my district in Chicago have grown accustomed to the terrifying sights and sounds of gunplay. They cannot understand how we in Government can stand by and allow this situation to exist.

The opponents of this bill will claim that it alone will not end crime and deaths associated with firearms and on that point we agree. The Brady bill will not end the 24,000 yearly deaths that result from handguns. It alone is not the panacea for crime, but it will certainly give our police officers an additional way to keep guns out of the hands of persons who are unstable or are known to be criminals. That is why the Fraternal Order of Police, the Police Foundation, and the International Brotherhood of Police Officers have endorsed this bill.

The opponents of this measure argue that law-abiding citizens will be inconvenienced by a waiting period. It is hard for me to listen to arguments about inconvenience when thousands of people are dying daily because of the proliferation of these weapons. If lives are saved by the minor inconvenience of having to wait a few days to purchase a gun than we have accomplished plenty with this measure.

Mr. Chairman, a new handgun is produced every 20 seconds in America, even while injury resulting from one of those guns happens every 2 minutes. At some point we must stop this madness. H.R. 1025 is not the solution to our problem, but it is a an important beginning. The American people and the entire law enforcement community overwhelmingly support the Brady bill. It is time for the Congress to catch up to them. I will vote in favor of this bill and I urge my colleagues to do likewise.

Mr. QUINN. Mr. Speaker, I rise today to join many of my colleagues in expressing my disappointment that Congress will adjourn at the end of November without considering a comprehensive crime package.

The Brady bill's instant check system is one part of attacking the national crisis occurring today in our country. We must pass substantive crime legislation to address the bloodbath taking place on the streets of America.

In the city of Buffalo, and in other urban areas the country, crime and violence is becoming more and more frequent and deadly. Just last year, the number of murders in Buffalo increased by 50 percent. According to the Bureau of Justice Statistics, every year in the United States, handguns are involved in an average of 9,200 murders, 12,100 rapes, 210,000 robberies, and 407,600 assaults.

In order to seriously confront America's crime problem, we must enact legislation to build more prisons, reform habeas corpus procedures and extend tougher sentences for repeat offenders. We must also better enforce existing laws and apply the death penalty to heinous offenders.

Without additional crime legislation, our Nation will continue to see its youth killed and its senior citizens imprisoned in their own homes. We must work to alter the disturbing statistic that injury deaths caused by firearms in America are 90 times higher than in any other country.

I think America, the greatest nation in the world, is worth the fight.

Mr. COLEMAN. Mr. Chairman, I rise today in opposition to the Brady bill. I oppose this measure not because of what it does; but for what it fails to do. I agree with the proponents of this measure that we ought to have an automated system by which we can determine whether or not someone is legally barred from owning a gun. For all his efforts to make such a system a reality, I applaud the gentleman from New York. However, I must oppose this legislation because it is not a crime control solution. The Brady bill will not reduce crime, nor will it prevent handgun violence. Indeed, it will not even prevent those who are legally barred from possessing a gun from doing so.

Let me say that this was not a decision I made lightly or quickly. I have weighed very carefully the arguments on both sides of this debate. Personally, I have found the increasing levels of gun violence, especially among our children, very distressing. Every day, approximately 135,000 children bring a gun to school. Every day 14 children die in gun accidents, suicides and homicides. Every day 30 American children are wounded by guns. Every day. There was a time, not that long ago, when accidents were the leading cause of death among our young people. This is no longer the case. Gun deaths are now the leading cause of death among young people, particularly in minority communities.

However, the Brady bill will do nothing to stem the violence which now confronts our Nation's youth. Handgun Control has stated that 1.2 million elementary aged, latch-key children have access to guns in their homes. I respectfully invite anyone in this body to explain to me exactly how enactment of the Brady bill will change this situation. The truth is no one can, because enactment of the Brady bill will do nothing to reduce a child's access to guns in his or her home. More importantly, this bill does nothing to address the fact that guns are being sold to children in the streets by criminals. Brady will do nothing to reduce, curb or prevent gang and other violence which now threatens our young people because it does not apply to them. Passing the Brady bill will not prevent acts of youth violence.

I also must question just how effective Brady will be in combating other types of violent crime. Just how many violent criminals do we honestly believe will submit to a background check and 5-day wait to purchase their weapons. I suggest that significantly less than 1 percent are likely to do so, the rest will simply continue to purchase their weapons as they are already doing illegally. This measure will not combat crime in the least. The people most impacted by enactment of the Brady bill are those who have a legal right to purchase a firearm and exercise that right through a licensed firearms dealer. If we are attempting to combat crime, then let us do that; to my colleagues I say that we should honestly admit that the Brady bill is not the proper vehicle for achieving that end.

To address the very real problem of violent crime, I respectfully urge my colleagues on the Judiciary Committee to act on measures which will ensure swift justice. If we are serious that we want to get tough on crime let us do that. We should appropriate additional funds for more courts, more prosecutors and more prisons. This vote today on the Brady bill is nothing more than a feel good vote which will do nothing to address the problem of violence in our society. I understand why this legislation is attractive to many; but it simply will not further our nation's efforts to combat crime. In casting my vote against this measure, I urge my colleagues to join me in focusing our attention on

the root causes of crimes and our actions against those who perpetrate them.

Ms. LONG. Mr. Chairman, I rise today in support of H.R. 1025, the Brady Handgun Violence Prevention Act.

In the past, I have voted against waiting periods on the purchase of firearms and have instead supported legislation to establish an instant criminal background check to screen buyers of handguns. In addition, I have never supported restrictions or bans on any type of firearms, nor do I intend to in the future.

The Brady bill that is being voted on by the House of Representatives today is not the same Brady bill that I opposed in the past. It is a bipartisan compromise that establishes a 5-day waiting period for purchases of a handgun in preparation for the establishment of an instant criminal background check on the purchase of firearms. Although there is a waiting period in this legislation, it will last only until the instant check is established or until 5 years has elapsed from the enactment of this legislation.

I opposed the amendment which would have preempted Indiana State law and the laws of other States in controlling violence and crime. Indiana currently has a 7-day waiting period on the purchase of handguns. Crime control begins with local and State initiatives and I believe it is generally best for them to determine exactly which measures are appropriate for the problems they face. The Federal Government should, to the extent possible, allow local and State officials to address this issue.

The Brady compromise is the latest in a number of anticrime measures I have worked on and supported in recent weeks, including funding for more police officers for States and local communities, drug education, and drug treatment. It has become apparent to Members of Congress, Democrat and Republican alike, that violent crime is affecting our society like never before. My district in Indiana has seen the senseless violence that plagues the rest of the country. Just 2 days before this past Halloween, in fact, 15-year-old Ternae Jordan, Jr., son of a minister in my district, was shot randomly in the head as he sat in a Fort Wayne YMCA, waiting for a ride home following a piano lesson. It is because of violence such as this that last week I supported measures to provide our communities with more police officers, better drug education, and drug treatment programs. That is why I will support this compromise version of the Brady bill. These measures will help in our fight against crime.

I commend Chairman BROOKS and the ranking minority member, Mr. FISH, for crafting this legislation and I urge its passage as amended.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part 1 of House Report 103–341, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1025

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 "Brady Handgun Violence Prevention Act".

SEC. 2. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.

(a) INTERIM PROVISION.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that the Attorney General certifies under section 3(d)(1) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (as defined by days in which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess a handgun; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law, except that this subparagraph shall not apply to a State that, on the date of certification pursuant to section 3(d) of the Brady Handgun Violence Prevention Act, is not in compliance with the timetable established pursuant to section 3(c) of such Act;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether the transferee has a criminal record or whether there is any other legal impediment to the transferee's receiving a handgun, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement and any record containing information derived from the statement;

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.".

(2) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"(t)(1) Beginning on the date that the Attorney General certifies under section 3(d)(1) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not such a licensee, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 3 of such Act;

"(B) the system notifies the licensee that the system has not located any record that demonstrates that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or any State or local law; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess a firearm; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(3) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n), and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(4) In addition to the authority provided under section 923(e), if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than $5,000.

"(5) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

SEC. 3. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—The Attorney General of the United States shall establish a national instant criminal background check system that any licensee may contact for information on whether receipt of a firearm by a prospective transferee thereof would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law.

(b) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(c) PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(A) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system, which shall be based upon the Interstate Identification Index ("III") unless the Attorney General finds that the III will not provide a satisfactory basis for the national instant criminal background check system;

(B) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on line capacity basis to the national system; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State achieve, by the end of 5 years after the date of enactment of this Act, at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years and continue to maintain such a system.

(d) NATIONAL SYSTEM CERTIFICATION.—(1) On the date that is 30 months after the date of enactment of this Act, and at any time thereafter, the Attorney General shall determine whether—

(A) the national system has achieved at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years on a national average basis; and

(B) the States are in compliance with the timetable established pursuant to subsection (c),

and, if so, shall certify that the national system is established.

(2) If, on the date of certification in paragraph (1) of this subsection, a State is not in compliance with the timetable established pursuant to subsection (c) of this section, section 922(s) of title 18, United States Code, shall remain in effect in such State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with its timetable after the date of certification in paragraph (1) of this subsection, and section 922(s) of title 18, United States Code, shall not apply to such State and section 922(t) of such title shall apply to the State.

(3) Six years after the date of enactment of this Act, the Attorney General shall certify whether or not a State is in compliance with subsection (c)(2) of this section and if the State is not in compliance, section 922(s) of title 18, United States Code, shall apply to the State and

section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with the standards in subsection (c)(2) of this section, and section 922(s) of title 18, United States Code, shall not apply to the State and section 922(t) of such title shall apply to the State.

(e) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

(f) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(h) REGULATIONS.—After 90 days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITIONS RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited by section 922 (g) or (n) of title 18, United States Code, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer under section 923 of title 18, United States Code.

(2) OTHER TERMS.—The terms "firearm", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) (3), (9), (10), and (11), respectively, of title 18, United States Code.

SEC. 4. REMEDY FOR ERRONEOUS DENIAL OF HANDGUN.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 925 the following:

"§925A. Remedy for erroneous denial of handgun

"Any person who is denied a handgun pursuant to section 922(s) of this title due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 3(a) of the Brady Handgun Violence Prevention Act, and who has exhausted the administrative remedies available for the correction of such erroneous information, may bring an action against any official of the State or political subdivision responsible for providing the erroneous information, or against the United States, as the case may be, for an order directing that the erroneous information be corrected. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 925 the following:

"925A. Remedy for erroneous denial of handgun.".

SEC. 5. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) IMPROVEMENTS IN STATE RECORDS.—

(1) USE OF FORMULA GRANTS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 3 of the Brady Handgun Violence Prevention Act, for the purpose of implementing such Act.".

(2) ADDITIONAL FUNDING.—

(A) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(i) for the creation of a computerized criminal history record system or improvement of an existing system;

(ii) to improve accessibility to the national instant criminal background system; and

(iii) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subparagraph (A) a total of $100,000,000 for fiscal year 1992 and all fiscal years thereafter.

(b) WITHHOLDING STATE FUNDS.—Effective on the date of enactment of this Act the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for such State under section 3(c) of this Act.

(c) WITHHOLDING OF DEPARTMENT OF JUSTICE FUNDS.—If the Attorney General does not certify the national instant criminal background check system pursuant to section 3(d)(1) by—

(1) 30 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 30 months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) 42 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 42 months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

The CHAIRMAN. No amendment to the substitute, as modified, is in order except the amendments printed in part 2 of House Report 103–341. Each amendment may be offered only by a Member designated in the report, shall be considered as read, is not subject to amendment, and is not subject to a demand for a division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider Amendment No. 1 printed in part 2 of House Report 103–341.

AMENDMENT OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAMSTAD: In paragraph (6) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, add at the end the following:

"(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reasons for the determination, the officer shall provide such reasons to the individual within 20 business days after receipt of the request."

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. RAMSTAD] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to thank Chairman SCHUMER of the Crime and Criminal Justice Subcommittee for working with me on this amendment. I am also pleased that he and Chairman BROOKS have agreed to consider my amendment as a friendly amendment to H.R. 1025, the Brady bill.

Mr. Chairman, my amendment is very straightforward. It states that if a person is determined to be ineligible to purchase a handgun during the bill's 5-day waiting period, that individual

may request and receive the reasons for this determination, within 20 business days from local law enforcement.

Both the Fraternal Order of Police and the National Association of Police Organizations have agreed that 20 business days allow adequate time for local law enforcement to research felony convictions and other history and provide reasons for denial of a handgun purchase.

This amendment would also make the bill's interim provision—the waiting period—consistent with its permanent provision, the national instant-background check system.

Under the current bill's section entitled "Correction of Erroneous System Information," an individual may request reasons for denial of a firearm by the instant check system. But there is no comparable provision while the waiting period is in effect.

Mr. Chairman, all this amendment does is rectify this discrepancy. Again, I sincerely thank Chairman BROOKS, Chairman SCHUMER and Members on both sides of the aisle for their bipartisan support of it.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. BROOKS. Mr. Chairman, although I am not in opposition, I ask unanimous consent to control the time on this side on the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Minnesota.

Mr. Chairman, in our American system of justice, the Federal Government is constrained under our Constitution and under our laws from exercising its powers with a heavy hand. Rather, each person in this country has a right to due process of law. Yet, as this bill is written, a person can be denied the right to make a lawful handgun purchase—without any cause, and without any explanation.

What could be more fundamental to due process than to require the Government to tell you why you cannot exercise a right that is being exercised by others every day?

This amendment is even more modest than that. With the burden placed on the person—not the Government—it only applies if the affected person makes a request of the Government official.

This amendment is a small—but absolutely necessary—effort to uphold the tradition of this House in defending our constitutional right of due process. Every year, we take to this floor to guard against any possible encroachment of due process rights for this group or that group of Americans. We do so not for the group involved, but for the principle at stake. We should do no less now.

I understand this amendment is agreeable to both sides, and I strongly urge its adoption.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from Minnesota [Mr. RAMSTAD] on this amendment. I have had some reservations about it, but I think we have worked an agreement out that seems to me to be fair.

Mr. Chairman, it seems to me that when somebody gets a criminal record and are told they are not allowed to have a gun, they ought to be able to be told the reason why. Therefore, it is a good amendment. It allows for followups with local police departments, but it does not put any unreasonable or unfeasible restrictions on them.

Mr. Chairman, the gentleman from Minnesota [Mr. RAMSTAD] has been fair in working with me on this amendment. I congratulate the gentleman and urge its adoption.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to again thank the gentleman from New York [Mr. SCHUMER]. The gentleman proves we can work in this body in a bipartisan way to craft responsible legislation, and I commend him for that.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. RAMSTAD].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SCHUMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 431, noes 2, not voting 5, as follows:

[Roll No. 558]

AYES—431

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers

Rohrabacher	Slaughter	Torricelli
Ros-Lehtinen	Smith (IA)	Towns
Rose	Smith (MI)	Traficant
Rostenkowski	Smith (NJ)	Tucker
Roth	Smith (OR)	Unsoeld
Roukema	Smith (TX)	Upton
Rowland	Snowe	Valentine
Roybal-Allard	Solomon	Velazquez
Royce	Spence	Vento
Rush	Spratt	Visclosky
Sabo	Stark	Volkmer
Sanders	Stearns	Vucanovich
Sangmeister	Stenholm	Walker
Santorum	Stokes	Walsh
Sarpalius	Strickland	Washington
Sawyer	Studds	Waters
Saxton	Stump	Watt
Schaefer	Stupak	Waxman
Schenk	Sundquist	Weldon
Schiff	Swett	Wheat
Schroeder	Swift	Whitten
Schumer	Synar	Williams
Scott	Talent	Wilson
Sensenbrenner	Tanner	Wise
Serrano	Tauzin	Wolf
Sharp	Taylor (MS)	Woolsey
Shaw	Taylor (NC)	Wyden
Shays	Tejeda	Wynn
Shepherd	Thomas (CA)	Yates
Shuster	Thomas (WY)	Young (AK)
Sisisky	Thompson	Young (FL)
Skaggs	Thornton	Zeliff
Skeen	Thurman	Zimmer
Skelton	Torkildsen	
Slattery	Torres	

NOES—2

Moran Nadler

NOT VOTING—5

Bartlett Romero-Barcelo (PR)
Brown (CA) Underwood (GU)
Moakley

□ 1306

Mr. KLEIN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 2 of House Report 103-341.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: In paragraph (1) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike "the Attorney General" and all that follows through "section)," and insert "is 60 months after such date of enactment".

In paragraph (1)(D) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike ", except" and all that follows through "Act".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, insert "is 30 days after" before "the Attorney".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "certifies under section 3(d)(1)" and insert "notifies licensees under section 3(e)".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(except as provided in paragraphs (2) and (3) such section)".

In paragraph (1)(B) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(B)" and all that follows through "firearm" and insert the following:

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 1 business day (as defined in subsection (s)(8)(B)) has elapsed since the end of the business day on which the licensee contacted the system, and the system has not notified the licensee that the receipt of the handgun.

In section 3(a) of the Committee amendment, strike "The" and insert "Not later than 60 months after the date of the enactment of this Act, the".

In section 3(c) of the Committee amendment—

(1) strike "(1)";

(2) strike "(A) determine" and insert "(1) determine";

(3) strike "(B) investigate" and insert "(2) investigate";

(4) strike "(C) notify" and insert "(3) notify";

(5) strike "subparagraphs (A) and (B)" and insert "paragraphs (1) and (2)"; and

(6) strike paragraph (2).

In section 3 of the Committee amendment, strike subsection (d) and insert the following:

(d) OPERATION OF THE SYSTEM.—

(1) GENERAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer, the system shall, during the contact or by return contact without delay—

(A) review available criminal history records to determine whether receipt of a firearm by the prospective transfer would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law; and

(B)(i) if the receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the identification number; and

(III) immediately destroy all records of the system with respect to the contact (other than the identification number and the date the number was assigned) and all records of the system relating to the transferee or the transfer or derived therefrom; or

(ii) if the receipt would be such a violation—

(I) notify the licensee that the receipt would be such a violation; and

(II) maintain the records created by the system with respect to the proposed transfer.

(2) SPECIAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer and the system is unable to comply with paragraph (1) during the contact or by return contact without delay, then the system shall comply with paragraph (1) not later than the end of the next business day.

In section 4(a) of the Committee amendment—

(1) strike all that precedes "Section 509(b)" and insert "(a) USE OF FORMULA GRANTS.—";

(2) strike "(A) in" and insert "(1) in";

(3) strike "(B) in" and insert "(2) in";

(4) strike "(C) by" and insert "(3) by";

(5) strike "(2) ADDITIONAL FUNDING" and insert "(b) ADDITIONAL FUNDING";

(6) strike "(A) GRANTS" and insert "(1) GRANTS";

(7) strike "(1)" and insert "(A)";

(8) strike "(ii)" and insert "(B)";

(9) strike "(iii)" and insert "(C)";

(10) strike "(B) AUTHORIZATION" and insert "(2) AUTHORIZATION"; and

(11) strike "subparagraph (A)" and insert "paragraph (1)".

In section 4 of the Committee amendment, strike subsection (b).

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 25 minutes, and a Member opposed to the amendment will be recognized for 25 minutes.

Mr. SCHUMER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] will be recognized for 25 minutes.

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the amendment we are now considering be considered as conforming to the amendment at the desk.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] will state his request to the Chair again.

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the amendment that we are about to consider be considered as conforming to the amendment that is at the desk.

□ 1310

The CHAIRMAN. The only form that is in possession of the Chair is the form printed in the report.

Mr. GEKAS. That is correct. The problem is that there was some technical error that was reported to us by the Parliamentarian's office that requires us to consider the amendment as the one that is now at the desk rather than the one that we have in our possession. It is only a question of clause B or clause D or some technicality like that.

The CHAIRMAN. The Chair does not have any modification along those lines. We will proceed with the debate and consider the gentleman's technical changes later in the proceedings.

Mr. SCHUMER. Mr. Chairman, I have been consulted by the gentleman as to what the change was, but I would like to see what it is at the desk and hear what is read before it is approved.

The CHAIRMAN. We will proceed with the debate time presently.

The gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 25 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 25 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, as I outlined in the debate on the rule, the amendment that we, now place before Members is one that can and should bring us together. That is, the opponents of the Brady bill or any waiting period should support this measure because it brings into play, at long last, as a mandate, the instant check. The supporters of the Brady bill and the waiting period that it inculcates should support my amendment because it brings to the floor and brings to the American people that which the proponents themselves have said is the ultimate in

background check, namely the instant check. As a matter of fact, the proponents of the Brady waiting period, as outlined in the bill, take pains to emphasize that that is the gist of this bill, the heart and soul of this bill, the instant check, and then they relegate the waiting period to a temporary concept that should not go into effect until we can get the perfect instant check that we all desire, and the goal for which we are have made statements, make that a possibility nationwide.

So what are we talking about here? If my amendment is adopted, we will have a 5-day waiting period that the Brady bill in its concept claims. Then we have a time certain, 60 months, within which the instant check system must go into effect. That is every little to ask by way of a mandate when you consider that in committee and in conversation among people interested in this issue, many of us felt that 30 months would have been enough, and in conversations I had with the chairman of the full committee, the gentleman from Texas, Mr. BROOKS, we felt that maybe 48 months would be sufficient at one point.

Now we are making it foolproof. There is no reason under the Sun, when considering all of the technology that we have at our disposal, that we cannot put into effect a high-charged instant check system by which background checks can be made on potential purchasers of handguns. Sixty months, a mandate, reasonable.

We ask Members to accept this amendment in the spirit of bringing the sides together and making instant check work, not to leave the instant check illusory and atmospheric as it is now in the Brady bill.

The Brady bill now, if we leave it untouched, if we do not amend it through amendment, would say the waiting period will evaporate when and if some day in the next century perhaps when the instant check might come into effect. No Attorney General has the mandate unless you adopt my amendment.

Mr. Chairman, I reserve the balance of my time.

MODIFICATION TO AMENDMENT OFFERED BY MR. GEKAS

The CHAIRMAN. The Chair has now been informed of the modification the gentleman originally referenced in his opening unanimous-consent request.

The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. GEKAS: In the last two references to section 4 of the committee amendment change the reference to section 5.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that the amendment be modified?

There was no objection.

Amendment, as modified, offered by Mr. GEKAS: In paragraph (1) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike "the Attorney General" and all that follows through "section)," and insert "is 60 months after such date of enactment".

In paragraph (1)(D) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike ", except" and all that follows through "Act".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, insert "is 30 days after" before "the Attorney".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "certifies under section 3(d)(1)" and insert "notifies licencees under section 3(e)".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(except as provided in paragraphs (2) and (3) of such section)".

In paragraph (1)(B) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(B)" and all that follows through "firearm" and insert the following:

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 1 business day (as defined in subsection (s)(8)(B)) has elapsed since the end of the business day on which the licensee contacted the system, and the system has not notified the licensee that the receipt of the handgun".

In section 3(a) of the Committee amendment, strike "The" and insert "Not later than 60 months after the date of the enactment of this Act, the".

In section 3(c) of the Committee amendment—

(1) strike "(1)";

(2) strike "(A) determine" and insert "(1) determine".

(3) strike "(B) investigate" and insert "(2) investigate";

(4) strike "(C) notify" and insert "(3) notify";

(5) strike "subparagraphs (A) and (B)" and insert "paragraphs (1) and (2)"; and

(6) strike paragraph (2).

In section 3 of the Committee amendment, strike subsection (d) and insert the following:

(d) OPERATION OF THE SYSTEM.—

(1) GENERAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer, the system shall, during the contact or by return contact without delay—

(A) review available criminal history records to determine whether receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law; and

(B)(i) if the receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the identification number; and

(III) immediately destroy all records of the system with respect to the contact (other than the identification number and the date the number was assigned) and all records of the system relating to the transferee or the transfer or derived therefrom; or

(ii) if the receipt would be such a violation—

(I) notify the licensee that the receipt would be such a violation; and

(II) maintain the records created by the system with respect to the proposed transfer.

(2) SPECIAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer and the system is unable to comply with paragraph (1) during the contact or by return contact without delay, then the system shall comply with paragraph (1) not later than the end of the next business day.

In section 5(a) of the Committee amendment—

(1) strike all that precedes "Section 509(b)" and insert "(a) USE OF FORMULA GRANTS.—";

(2) strike "(A) in" and insert "(1) in";

(3) strike "(B) in" and insert "(2) in";

(4) strike "(C) by" and insert "(3) by";

(5) strike "(2) ADDITIONAL FUNDING" and insert "(b) ADDITIONAL FUNDING";

(6) strike "(A) GRANTS" and insert "(1) GRANTS";

(7) Strike "(i)" and insert "(A)";

(8) Strike "(ii)" and insert "(B)";

(9) Strike "(iii)" and insert "(C)";

(10) Strike "(B) AUTHORIZATION" and insert "(2) AUTHORIZATION"; and

(11) strike "subparagraph (A)" and insert "paragraph (1)".

In section 5 of the Committee amendment, strike subsection (b).

Mr. SHUMER. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma [Mr. SYNAR] a distinguished member of the committee in opposition.

Mr. SYNAR. Let us be honest with ourselves and with the American people. This amendment, which would sunset the 5-day waiting period after 5 years, is being supported by those who would prefer to have no 5-day waiting period altogether. This is simply a very clever attempt to derail the 5-day waiting period.

There are two simple facts. The first is that the Brady bill legislation already has a very reasoned scheduled flexible provision with respect to sunset. When the instant check is up and running, the 5-day waiting period expires.

Second, the 5-day waiting period works. Whether you live in rural or urban America, across this country we have seen success with waiting periods. In California in 1991 and 1992 literally thousands of guns were not on the market because of the waiting period. In Atlanta, Illinois, Delaware, Maryland, Nebraska, New Jersey, and Oregon, the success is there. In Palm Beach County, FL, in 1985 we had a 60-percent dropoff in homicides because of the waiting period.

This amendment flies in the face of those two simple facts. Using the common sense in this amendment, it is like one who quits giving CPR emergency help to a heart attack victim after 5 minutes, regardless of recovery, or regardless of whether the paramedics have arrived.

The Brady bill was introduced in 1987. Six long murderous years have passed. One hundred and fifty thousand of our best and brightest citizens have been killed by handguns since it was first introduced. This is three times the number of casualties in Vietnam.

Law enforcement across the country, an overwhelming majority of our fellow citizens, and a growing majority of

our gun owners agree that reasoned gun legislation such as the Brady bill is long overdue. Let us stay the course. Let us answer the call. Let us pass the Brady bill unamended.

Today's vote on the Brady handgun bill is long overdue. Since the Brady bill was first introduced in 1987, 150,000 people have been killed by handguns. That's almost 3 times the number of United States casualties in the Vietnam war. That war was ended by one of the most aggressive protest movements in our Nation's history. Sadly, however, while the vast majority of our Nation wants real progress in the war on illegal handgun use we now rely on a patchwork of various State laws, plenty of cheap rhetoric and very little leadership from our Federal Government. Today's vote gives the House of Representatives a real chance to stem the violence on our streets and calm the fear of our citizens.

Anyone who argues that the 5-day waiting period in the bill won't work hasn't looked at the facts. California has a 15-day waiting period that, according to the California Department of Justice, Firearm Program, Criminal Information and Analysis Bureau stopped 5,859 prohibited firearm sales during 1991 and 5,763 during 1992. Those stopped from buying guns since 1991 include: 71 convicted of homicide; 14 convicted of kidnaping; 141 under restraining order for domestic violence; 203 convicted of sex crimes; 537 found to be under age; 884 convicted of burglary or robbery; 1,283 convicted of dangerous drug offenses; and 5,772 convicted of assaults.

Similar results have been recorded in Atlanta, GA (15-day waiting period), Illinois, Delaware, Maryland, Nebraska, New Jersey, Oregon. In Palm Beach County, FL police attributed a 60-percent drop in homicides in 1985 to a waiting period enacted in 1984.

This past spring the Department of Justice Bureau of Justice Statistics did a survey of State prison inmate characteristics. That study found that 46 percent of the inmates who had committed a violent crime used a weapon. In the cases where a weapon was used, 24 percent used handguns, 11 percent used a knife and 6 percent used a rifle, shotgun or assault weapon. The study also found that of those prisoners who had ever possessed a handgun, 27 percent had purchased the gun from a retail outlet. Those that argue that criminals get their guns illegally ignore the facts. The Justice survey shows that more than a quarter of all criminals walk into a gun store to buy their gun. This bill will make it harder for criminals to get guns, period.

Because this bill makes it tougher for criminals to get guns, illegal handgun use will be reduced—it's just that simple. That's why I can't understand those who want to sunset the waiting period in 5 years, whether or not the instant-check system is in place. That's like saying you should stop giving emergency CPR to a heart attack victim after 5 minutes, regardless of whether the victim has recovered or the paramedics have arrived.

The bill as drafted already phases out the waiting period when an instant-check system is up and running. In addition, the bill includes a specific timetable for developing State instant-check systems with penalties against the States and the Justice Department if timetables aren't met. But the bill does not, and must not, phase out the 5-day waiting period before the instant check system is in place. If instant check isn't in place, and the bill sunsets, criminals will once again be able to buy guns without a background check. That will put more guns in the hands of criminals and that's unacceptable.

The time for debating the Brady bill is over. The majority of the country agrees that the Brady bill is a solid, commonsense approach to ending violence by denying guns to criminals. Let's pass this bill and get on with the business of saving lives.

Mr. GEKAS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas [Mr. Brooks], chairman of the full Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania.

A national instant background check system has been in the works now since 1988, when the Anti-Drug Abuse Act was adopted by the Congress and enacted into law.

Five years have passed since the enactment of that law, and we still see no instant background check system on the horizon—even in the face of the technological revolution that has occurred in this country during those years. Minnesota-built Cray supercomputers run our worldwide nuclear detection system; and yet, we still can't seem to develop a computer system to keep track of a few felons in the 50 states. I might add it took the wonderful Commonwealth of Virginia less than a year to bring its instant background check on line.

If a national instant background check system cannot be put into place in the next 5 years, it is never going to be put into place. We should not be here misleading the American people by pretending otherwise. While the national instant check system is touted as a "central premise" of the bill in its current form, it is a premise with no teeth at all.

As I said earlier during general debate, acceptance of this amendment will be proof positive that there is a real commitment to implement the instant background check in H.R. 1025.

Not having a time certain for implementation of a national instant background check system actually serves as a disincentive to ever getting it in place. If in 3 years, 4 years, or 5 years, there's still no such system, Congress can always take action. But to duck the issue now is utterly irresponsible. This amendment establishes a time certain and demonstrates that we are keeping our good faith with the American people. I strongly urge its adoption.

□ 1320

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY], in opposition to the Gekas amendment.

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment, not necessarily because it is such a bad amendment, because I think the gentleman from Pennsylvania [Mr. GEKAS] has a good idea here. I am just concerned that by setting an artificial deadline as he does, that it does not recognize the ability of some States or the inability of some States to put together the kind of records that they need to in that period of time.

I had my office check with the FBI. The FBI told us that under the very best of circumstances they might be able to put together this national system within that time period but everything would have to happen exactly right. I think the way the bill is crafted makes good sense. That is, it essentially phases out the waiting period when each State is able to incorporate and put together the information as well as the technology to do this.

Now, the technology clearly is there. No one would argue with that. But the fact is that a lot of States' records are a horrible mess and it is going to take a long time for them to put that together.

Indeed the information in the NCIC computer is meaningless unless the information is correct and up to date.

That is why I think it is important that we reject the Gekas amendment. I like the idea of putting some pressure on to get the records done, but I am not sure that by setting this deadline we do that and accomplish the mission that we want to accomplish.

So I would say I just, on balance, think the Gekas amendment puts a stranglehold on the ability of the FBI and other law enforcement officials and State officials to get the information necessary.

Mr. Chairman, we had this, if you will recall, those Members who were here before, with the Staggers amendment, which in many ways was an effort to derail the potential for a 5-day waiting period, as well as phasing in this point-of-sale check. This is essentially Staggers-II, and I think it is a wrongheaded approach, even though I respect the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, this is a bad bill that does not do anything effective to keep weapons out of the hands of criminals, but burdens law-abiding citizens. But this is a reasonable and essential amendment which guarantees we will have a national instant check system in 5 years. We could have this in place in 30 months or sooner if we resolve to do so, but we certainly must do it within 5 years.

Mr. Chairman, as written, H.R. 1025 gives the Attorney General unfettered discretion to maintain the waiting period forever and there will be pressure from waiting period advocates to do just that.

The national instant check is the only system that will keep guns out of the hands of criminals and protect the rights of lawabiding citizens. That is why we must guarantee that it is in effect within 5 years.

Five years is a more than adequate amount of time to complete work on the FBI instant record retrieval system. Remember, the FBI has been working on its system for 5 years already and Congress has appropriated considerable amounts for that task.

Instant check has been proven to work in five States, including my State of Virginia. Virginia, Delaware, Florida, Illinois, and Wisconsin now successfully operate point-of-sale background check systems which they implemented in less than 1 year's time and at relatively modest cost.

To date the Virginia system has processed over one-half million transactions and has denied over 5,500 purchases. In addition, 318 wanted felons were identified because of the check. Clearly the system is doing what it is intended to do.

My question is, Why wait when the technology for instant check is available? I urge my colleagues to support this reasonable amendment.

Mr. SCHUMER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to support the Brady bill and to oppose the Gekas amendment.

The Brady bill is a first step down the long road toward stopping the proliferation of handguns. It is a step toward ending the violence that is sweeping our country. It is a step we must take.

We have seen to many tragic deaths in Atlanta, here in Washington, throughout the Nation. I have been to too many funerals of the very young, of police officers, and the many others who have been killed by guns. We must act to stop the bloodshed, to stop the killing.

Throughout our Nation, the homicide rate has reached an all-time high. Gun violence is increasing and something has to be done.

As lawmakers, we have a responsibility to stop the killing. Law enforcement officers around the country, the people who must deal with the guns, the violence, the deaths, law enforcement officers agree, passing the Brady bill will help stop the violence.

The Gekas amendment could have us get rid of the waiting period before the instant-check system is in place. It could have us go back to selling guns to people without checking to see if they are criminals, or insane.

I ask my colleagues, is 5 days too long to wait to ensure that we are not arming the violent? Is 5 days too long to wait to save lives? To ensure that innocent children are not shot?

Let me say to my colleagues that it is time to stop the violence. It is time to stop the killing to save lives. It is time to give people time to cool off. Do not sunset the Brady bill. Support the Brady bill. Oppose the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise in support of the Gekas amendment. Those who champion the Brady bill tell us they want to stop illegal handgun sales. If that is the case, the best way to achieve this goal would be by scrapping the interim waiting period in favor of immediate implementation of a national point-of-sale screening system. This amendment requires it within 5 years.

We all agree there is limited utility in screening retail handgun purchasers because, according to the Justice Department, the vast majority of criminals do not attempt to purchase firearms at retail outlets. But to the extent such a system is worthwhile, a point-of-purchase check best meets this goal. That is why it is absolutely necessary that a time certain for the actual on-line implementation of such a system be designated.

There are no enforceable standards in the Brady bill with regard to timetables, goals, or penalties. The bill essentially leaves the implementation to the discretion of the Attorney General. Further, it provides no funding to local law enforcement to pay for the interim mandatory background checks, mandates without funding.

Penalties will ostensibly be levied against the Department of Justice's monthly administrative fees.

□ 1330

A strong case can be made that the ability of Congress to rescind funds appropriated by one Congress if standards imposed by this bill are not met in a subsequent Congress, is constitutionally prohibited.

There are about 2½ million new handgun purchases yearly, as compared to 70 million plus credit care checks, which are conducted each month. The notion that adequate technology exists to prevent shoppers from overcharging their credit cards, but does not exist to check the identification of a handgun purchaser against a list of existing criminal records, is absurd.

The fact is, all background checks are exactly the same. They use the same information data. That is the FBI Interstate Identification Index, which is the base on which we should be relying and which is currently being used for exactly this purpose.

At this point, the best public policy result is to set the date to implement the same system on a national and uniform basis. If we can check credit card purchases instantaneously, if we can have our policemen check driving records instantaneously, then certainly we can check criminal histories instantaneously.

Support the Gekas amendment.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished vice chairman of the Democratic caucus, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I believe the new sunset provision, the Gekas amendment, is really nothing more than an effort to undermine the whole Brady bill. There is already a sunset provision in place. The gentleman from Oklahoma [Mr. SYNAR] described it very accurately. There is a specific timetable for getting the instant check system up and running, and I think we all want that to occur. As soon as the system is operating as it should be, the waiting period sunsets; but the Gekas amendment wipes out the 5-day waiting period in 5 years and replaces it with the instant check system, in spite of the fact that all the experts have indicated that the instant check system will not be ready then. Five years down the road, the Gekas amendment will bring us right back to where we are today wherever the instant check system is not ready. So let us keep the pressure on to put the instant check system in place first before we eliminate the 5-day waiting period.

The Brady bill is not intended as a panacea for crime, not the kind of crime that is plaguing us in city suburbs and rural areas; but it is our best effort toward stemming gun-related violence. It is the most realistic, efficient, and accurate option currently available to us.

In California, our 15-day waiting period is already working. Last year alone, my State stopped 5,763 illegal handgun purchases.

So now the time has come for us as a nation to take this first of many steps toward keeping guns out of the wrong hands, and preventing the tragedy that results from the easy availability of guns to the wrong people.

Surely this is a small price to pay to curb the unnecessary and senseless violence caused by handguns, and surely we understand that we cannot simply have State laws that do not allow for people in all States to be secure.

We need a national law that sets a standard, not the highest standard, but a reasonable standard that is fair to all the States that have acted.

We will get instant check, but until then we need the Brady bill.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, my friend, the gentleman from California, is dead wrong. The Brady bill itself recognizes the value of an instant check system.

Let us take a look under the present system of the Brady bill or the 5-day check. Local law enforcement gets a request and has to process it within 5 days. Does anyone in the inner cities have enough dollars for their local law enforcement? This is an unfunded mandate. We would rather have those cops on the street, not dealing with administrative burdens.

Second, the instant check would give not just the District of Columbia or Virginia or any other State a local look at who should purchase weapons, but a national system. If you have someone who has checked into a police station and filed, that automatically would go on to a system where Virginia or California or anyone else would know whether that person should or should not purchase a weapon. It is a better system. It has been agreed that it is a better system. The problem is cost.

So if it is a better system, it seems logical that we set a 5-year period.

I have also checked, as has my friend, the gentleman from Ohio [Mr. OXLEY] with the FBI, and it will be implemented and could be within 5 years. That is why we set the time.

If this is the case, then we need to go to an instant check.

Will it keep guns off the street? No, it will not, Mr. Chairman. We need tough crime laws, but the same people who are opposing this amendment, I would ask them to support habeas corpus, the death penalty, search and seizure, three-time loser, life without parole.

In California, 13 percent of all illegal aliens are felons. We need to help with that system, which the Federal Government is not doing.

Mr. Chairman, I would ask my friend, the gentleman from California, to support these issues and a strong crime bill and support the instant check, which would be a better system.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], in opposition to the Gekas amendment.

Mr. PORTER. Mr. Chairman, our society is overwhelmed with violence. Our entertainment news almost encourages this kind of violence.

The question is what to do about it?

Some say, and the previous speaker was one who just said it, that we need stronger penalties, more expeditious appeals and the deterrent effect of punishment. Others say we need restraint on the availability of handguns and assault weapons.

We really need both. It is not an either-or question. We ought to do both.

The Gekas amendment, it seems to me, is simply at attempt to derail the Brady bill. The instant check system will not be ready when this provision sunsets. It will leave criminals to buy guns without restraint by the Federal Government, and adoption of the preemption amendment, without any restraint by State law, either, seems to me mindless.

We need a restraint on the ready availability of firearms and we need stronger penalties, more expeditious appeals and the deterrent effect of punishment and we ought to pursue both.

The Gekas amendment should be defeated. The Brady bill should be adopted as is. I strongly urge the Members to oppose the Gekas amendment.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, does the gentleman from Illinois believe that the sponsor of the Gekas amendment does not have guidance or conscience or his own to propel this amendment, or does the gentleman feel it is NRA driven?

Mr. PORTER. No, I do not believe that.

Mr. GEKAS. Then the gentleman's references to the NRA are general, not specifically to the author of the amendment?

Mr. PORTER. Yes, to NRA, yes. I think the NRA would strongly support the gentleman's amendment.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I rise as a supporter of the time-certain amendment for two reasons. First, I believe most all Americans—both supporters and opponents of the Brady bill—agree that an instant check system for the purchase of handguns should be implemented. Second, it should take far less than 5 years to install the technology needed to conduct these instant background checks.

The Brady bill is written so that once all States are on-line for national instant-checks, the waiting period is phased out. Because the instant check is the goal and since it is easily allowable—it only makes sense that the legislation have a firm time limit for instant check. The instant check system is more effective in keeping guns out of the hands of criminals and those subjected to restraining orders because it identifies them immediately and records in a nationwide computer system that a certain violent individual attempted to purchase a handgun.

I support this amendment because I want rapid installation of the instant-check technology. Under the measure, the nationwide instant-check system would be established when 80 percent of current criminal records nationwide are available to the system. It should not take more than 5 years to computerize these records.

We are all familiar with credit cards. When we use a company's credit card to make a purchase, their computer systems can—in a matter of seconds—analyze our entire credit history. Credit card companies have been doing this for years.

Why cannot the Justice Department and the States be able to computerize their records by the year 1999?

I disagree with the opponents of this amendment and remain optimistic about this country's technology. How can we support billions of dollars for information superhighways and expect to reform the healthcare system in two years if we can't get on-line with an instant-check system in 5 years?

The technology is available. Let us take advantage of it. And sooner—rather than later—let us get to the crux of this bill and provide a real incentive for immediate and instant background checks.

I urge my colleagues to vote "yes" on the Gekas time-certain amendment.

□ 1340

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO], a strong advocate in opposition.

Ms. DELAURO. Mr. Chairman, there are children in my district whose parents will not let them play outside because they are afraid they are going to be killed, children who live in fear of handguns. One student in my district came to school and told her teacher that she could not take an important test, and the teacher asked why. The young woman said she was too upset because on her way to school that morning she saw someone get shot in the head.

Mr. Chairman, students in my district describe in frightening detail the guns owned by people that they know.

Mr. Chairman, if we adopt the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] we are turning our backs on our children. Keep the pressure on for an instant check, but, if we let this amendment pass, criminals will be able to buy guns without a background check if the waiting period sunsets before instant check is ready. We cannot take that chance.

This is an attempt to cripple the Brady bill, but the American people today are demanding serious action to stop senseless violence. Do not cripple the Brady bill. It is one step that we can and must take today to help to stop the bloodshed and to remove that fear of death that is overwhelming too many of our children.

Mr. Chairman, I urge my colleagues to oppose the Gekas amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair admonishes our guests in the gallery that they should refrain from expressing either agreement or disagreement with

any of the remarks being made on the floor.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in support of the Gekas amendment to the Brady bill. Each of us in the Congress is concerned about the rising violence in this country, and each of us share a common goal, and that is to keep the guns out of the hands of criminals. I believe that setting a time certain of 5 years for the implementation of a national instant check system will go a long way in keeping guns out of the hands of criminals.

My own State of Virginia has had a successful instant background check run by the State police since November 1989. The system was operational in just 6 months after initiation with a startup cost of just over $300,000, and since 1989, Mr. Chairman, Virginia has fielded over one-half million purchase requests. Of these requests, almost 6,000 were denied based on lawful ineligibility.

Mr. Chairman, I believe a nationwide background check implemented within 5 years is a positive step in reaching our common goal, which is keeping the guns out of the hands of criminals, and I urge my colleagues to support the Gekas amendment.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. EDWARDS], a member of the committee and an expert on criminal justice.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from New York [Mr. SCHUMER] for yielding this time to me, and, coming from California, Mr. Chairman, I can certify that a waiting period is very valuable. In the last couple of years we have over 16,000 people who were disqualified from purchasing weapons. Eight thousand of these people had convictions of homicide or of assault. These were vicious people that should not be buying guns.

Now my friend, our colleague, the gentleman from Pennsylvania, is an opponent, a strong opponent, honorable opponent, of the Brady bill. He voted against it in committee and has always been against the Brady bill, and I think it is very clear, and I am sure he will admit that this amendment is designed as a destroyer of the Brady bill because it will. It destroys the waiting period after 5 years.

The subcommittee that I chair has jurisdiction over the FBI. The FBI is complying with the law passed in 1988. The McCollum amendment does provide for an instant check system and to have spent in the last 5 years nearly $50 million in implementing an instant check system. But they are quite a long way from getting there, Mr. Chairman. There are over 25 million arrest records, a third of them, perhaps more than a third of them, do not have connected to them whether or not there was a conviction, and you cannot use a naked arrest record without finding out whether or not this is a conviction. That would be a wrong thing to do.

So, Mr. Chairman, all the amendment is designed to do is shut down the system after 5 years, and there is no way that the FBI can complete this work. It is going to take more than 5 years, and then the automatic ending of the waiting period will come into effect as provided in the Brady bill, and the instant check system will work very well then, and we are all for it.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in strong support of the Gekas amendment. I commend the gentleman from Pennsylvania and the distinguished chairman of the Committee on the Judiciary for authoring and supporting this proposal. Our objective is to prevent crime and to prevent criminals and persons with criminal records from obtaining firearms. I say to my colleagues, you can accomplish this by a simple point of sales screening system for handgun purchasers. That's the way that you prevent crime, and keep criminals from having handguns.

This amendment makes good sense. The amendment simply requires 5 years to accomplish this purpose. At the conclusion of 5 years, the Brady bill would cease to be functional. Clearly we have the offer of a better systems of dealing with the acquisition of handguns by criminals.

Mr. Chairman, a criminal, or person who is ineligible to purchase a handgun, will be, under this system, identified instantly at the point of sale. Five States already have programs of this kind. They are working splendidly. I see no reason why it should not occur nationwide, and why we should not have a nationwide system which will provide a mandate that the Attorney General, and State law enforcement authorities bring this system into being. Five years is long enough.

I urge my colleagues to support this amendment. It is sensible; it is fair; it is something which sportsmen and others can support; it is an amendment which I can support; and, I urge my colleagues to join me in supporting the distinguished gentleman from Pennsylvania, the distinguished chairman of the Committee on the Judiciary and responsible sportsmen in supporting this proposal.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Chairman, I rise in support of H.R. 1025, the Brady Handgun Violence Prevention Act.

Drug-driven violence and crime is engulfing this Nation like the recent California fires, destroying everything in its path, disrupting families, taking lives.

The problem is so pervasive and so penetrating that, according to a recent Washington Post report, young, adolescent people are planning their funerals, instead of planning their futures.

These young people believe that they are destined to die because handguns are as easily and readily available as hot dogs and candy.

Unfortunately, the fears of our young are well placed. In America today, a young man is more likely to die from handgun violence than he is from automobile accidents, disease, or other methods of death.

The Brady bill offers a simple, yet effective solution to this national plague. It requires potential handgun purchasers to wait 5 days before purchasing, thereby allowing the police an opportunity to check their eligibility.

If you are not underage, if you are not a convicted felon, or if you are not otherwise incompetent, you can buy a gun. Why would anyone who intends to use a gun lawfully have a problem with the waiting requirement?

We are moving quickly to strengthen law enforcement and provide more resources. The crime bill will allot $22.3 billion for anticrime efforts and put 100,000 more officers on the street.

The bill authorizes $100 million annually to help States update their criminal records and make use of a national registry.

But, unless we take the guns from the hands of those who would misuse them, including young people who are not even old enough to drive, handgun homicides will continue to dominate our death statistics for years and years to come.

Time is running out. It will take 5 to 10 years to put an effective system in place. Must we put at risk another generation of those who, in the dawn of their lives, think more about how they want to die than how they want to live?

Let us plan the funeral for handgun violence. Let's give our youth a chance at life. Let us pass the Brady bill.

□ 1350

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, the Gekas amendment is about fighting crime instead of making headlines. Like most Americans, I want to pass legislation to keep guns out of the hands of criminals and unstable individuals. We have to prevent criminals from getting guns while still allowing law abiding citizens to obtain arms for sport and self-protection, without undue government harassment. That is why I support an instant check.

An instant check would provide immediate information about a gun purchaser's criminal history. But let me be clear: waiting periods alone do not work. In 1985, California passed a 15-day waiting period. Before that time, we had a homicide rate well below the U.S. rate. After that time, the rate has skyrocketed. There is no correlation between waiting periods and crime. But an instant check would be able to say we will take the guns out of the hands of those who have an unstable record or who are criminals.

There are 200 million guns in circulation. Are we being honest when we tell the public that if you pass a 5-day waiting period, we will stop dangerous crime in its tracks? We are not being honest.

The instant check will keep any criminals or unstable individuals from getting guns. Liberals want to keep guns out of the hands of dangerous persons. Conservatives want to do that, and protect the rights of homeowners, sportsmen, and business owners.

If we support the instant check, as well as the Brady bill, we can stop making headlines, start making good law, and protect the people of the United States of America.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY], who has been a strong advocate of this bill.

Mrs. MALONEY. Mr. Chairman, I rise in opposition to the sunset amendment, and in support of the bill.

The Brady bill is long overdue. It is overdue for Jim Brady. It is overdue for John Lennon and Robert Kennedy and all the tens of thousands of Americans who are killed or maimed every year by deranged or angry people.

Handguns play a leading role in virtually every category of crime throughout our country. They are easy to buy, easy to hide, and easy to use.

That's why I am particularly opposed to this sunset amendment, which would arbitrarily cancel the waiting period even if an effective computerized checking system were not yet in place.

Under this amendment, criminals would be able to buy guns without a background check, if instant-check has not gone on line.

That makes no sense at all, and allows a technology timetable to derail our need to protect innocent people from those who should not have handguns.

Please vote against the sunset amendment, and for the Brady bill.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [MR. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I rise today in support of the amendment of the gentleman from Pennsylvania [Mr. GEKAS]. The gentleman's amendment would establish a time certain of 5 years for implementation of the national instant-check system. History shows that such a timeframe is eminently workable. Virginia was the first State in the Nation to adopt a system of instant background checks. The legislation was passed in March 1989 and the system went online November 1, 1989, 10 months later. The time which elapsed shows that it can certainly be done. In very similar timeframes systems went online in the States of Delaware, Wisconsin, and Illinois. Florida passed an instant-check system in 1989 that took effect in early 1991.

History also shows the instant-check system works. Virginia's State police lieutenant, Jim Snow, a records management officer, was asked last June if an extra 5 days would allow a more thorough check. His answer to the Washington Post was, "No, not really. We can check what needs to be checked in 2 minutes or less."

Today two-thirds of America's population lives under a waiting period program similar to Brady. Those States also have the highest murder rates and the highest crime rates in America.

The instant-check system makes sense because it works. I think that it is time that this Nation moves toward checking violent criminals. But, make no mistake, the only thing that deters crime is punishment or fear of punishment. Justice must be swift and sure.

Today's criminal justice system is broken. In New York alone it takes 5 years for the average felony to go to trial.

I would encourage my colleagues to support the Gekas amendment. It moves in the right direction to stop the crime wave in this Nation.

Mr. SCHEUER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. MAZZOLI] a long-time supporter of the bill.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Pennsylvania [Mr. GEKAS]. I really think that, were this amendment to be adopted, the Brady bill itself will be eviscerated. I think it will have relatively less meaning.

Mr. Chairman, I would remind my colleagues that in the bill, as fashioned by the gentleman from New York [Mr. SCHUMER], in it is very strong encouragement to the Justice Department to get moving with the task of developing this instant check system, because the Department can lose money if it fails to move forward. Then there are encouragements, as well as dissuasions, to the States on getting the computerization of their State records done. So we already have in the bill strong incentives to reach this 5-year deadline for putting instant check in service.

Mr. Chairman, I do not think we need this further amendment, which would, of course, create possibly a gap in background checks once the five years of Brady end. So you would have a gap possibly before instant check went in.

I do not think it is a good idea. I think the amendment should be defeated.

Mr. GEKAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this amendment. Some Members feel they can vote for this legislation because the waiting period is only temporary, before a national instant-check system is established. But as the saying goes, there is nothing more permanent than a temporary government program.

Under this bill, the waiting period can be postponed indefinitely if the Attorney General decides to do so.

It took Virginia less than a year to bring its instant-check system on line. Shouldn't we hold the implementation by other States to a similar time frame? Thirty months is a reasonable amount of time to give States to implement the instant check provisions. Sixty months, as Mr. GEKAS proposes in his amendment, is more than enough time to bring this national system on-line.

Do not be fooled. Opponents of this amendment have only one wish—to drag out the waiting period indefinitely.

H.R. 1025 contains more loopholes than a bandolier. For any number of reasons, the Attorney General can postpone the certification of the national instant-check system—meanwhile infringing upon the constitutional rights of law-abiding citizens.

The only real answer to gun violence is swift, severe, and guaranteed punishment for people who misuse guns. That is what we should be considering here today.

Instead, we are likely to help the criminal more than we are the victim with this bill by placing restrictions on the self defense of law-abiding citizens.

I urge my colleagues to support the Gekas amendment and provide a sunset provision to the 5-day waiting period.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the Gekas amendment which will set a 5-year period for there to be a national instant check system for the purchase of a handgun. Background checks work; waiting periods do not. By passing this amendment, we can achieve the objectives of the Brady bill by identifying criminals who attempt to purchase handguns immediately. We need to keep handguns out of the hands of criminals.

We will also protect the rights of law-abiding citizens by not delaying their right to purchase a handgun. By passing the Gekas amendment we will have the assurance that in the future an instant check system will be in

place. This system will be safer than a waiting period and far more effective keeping guns out of the hands of criminals.

□ 1400

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER], the distinguished chairman of the Democratic caucus.

Mr. HOYER. Mr. Chairman, I rise in support of the Brady bill, a bill which will impose a 5-day waiting period before an individual can purchase a handgun. I would like to commend the chairman of the Judiciary Committee, JACK BROOKS, and subcommittee chairman, CHUCK SCHUMER, for their diligence and hard work in crafting a bill that takes a serious approach to fighting crime in our communities.

Mr. Chairman, violence associated with guns in America is reaching epidemic proportions. For this reason, this Nation is in urgent need of passage of the Brady bill. The bill before us today seeks to return an element of safety and security back to us by waging a fast and furious war against crime.

Mr. Chairman, the Brady bill has been held hostage for much too long. It does not, as opponents argue, undercut the rights of individuals who have a legitimate reason to own a gun. Twenty-two States, including my own State of Maryland, have already implemented procedures similar to and more stringent than the Brady provisions. As Federal lawmakers, it is time we do the same.

Mr. Chairman, too many law enforcement personnel and Americans have suffered severe losses due to the increased use in handguns. Therefore, we must pass this legislation for law enforcement to aid them in their daily battles on the streets of America and we must pass this legislation for the American people so that we can move a step closer to eliminating their fears.

Mr. Chairman, we cannot stand for a weakening of the Brady bill. The Gekas amendment offered here today seeks to dilute the substance of this bill. The sunset provision offered by Congressman GEKAS would effectively abolish the waiting period after 5 years without regard to the readiness of the national insta-check system.

According to the bill in its present form, States will be required to have 80 percent of their recent case dispositions computerized within 5 years. At that time, the insta-check system would replace the 5-day waiting period. Thus, there is no need to modify this section of the bill with an amendment that will diminish the hard work we all have put in to finally making the Brady bill a reality.

Mr. Chairman, this bill is not going to eradicate crime in our society, but it is a big step in the right direction. The Brady bill can effectively deter those individuals who might be able to purchase a handgun for unlawful purposes.

Mr. Chairman, I would urge the opponents of the Brady bill to face reality and understand; it is better to save at least one life by passing this legislation than to lose a life by not passing it.

Mr. GEKAS, Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in support of the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, this instant check was provided for in the original gun bill language with no teeth, no incentive to really do it. Now the waiting period created in H.R. 1025—which some think is written in stone somewhere—has just been picked out of thin air. It is only a means to an end.

What they are trying to achieve is a check on criminals who attempt to purchase guns,—felons. That is what they are trying to get.

My theory is this, why wait 5 days? Why wait 3 days? Why wait 2? Why wait 1? Why not just do it instantly. Put the system on the line, put an instant check availability in every State in this country. It can be done technologically, off-the-shelf. It is that simple. It is already done in five States. It can be done in 50.

There is no excuse for not adopting this amendment which provides a real incentive for instant check in this bill. Instant check is in the bill as originally written, and I think that this bill is enhanced considerably by instant check that would take effect in 5 years with no mistake about it.

We have a good case for this amendment. The gentleman from Pennsylvania [Mr. GEKAS] has worked hard trying to perfect it, trying to make this bill workable. I think we ought to support this amendment.

Mr. SCHUMER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, here we are, debating this amendment, and I think this amendment is some small sign of progress. Those opposed to the Brady bill altogether, even they have conceded that it ought to exist for at least 5 years. And so the NRA and those in opposition, realizing they cannot beat Brady head on, realizing they cannot even, as last year, replace Brady with instant check, have now said something that seems alluring: "Let's have a sunset after 5 years when the instant check goes into effect."

The thing we have to understand, my colleagues, is there is already a sunset in this bill, but it is a logical sunset. It says, when instant check is in place, whenever that may be, because there is a great deal of dispute as to when it will be, then Brady sunsets.

If, as the experts say, the Attorney General, the FBI, the nonpartisan Research Group, which is the expert group on criminal records, that it will take more than 5 years to get this system in place, which we know it will, because criminal records are a mess. they are not like credit card records. They have been done by local governments, not by a big profitmaking institution. They are in shoe boxes. They are not coordinated. Then we have to go to each courthouse and see if the case was overturned.

It will not be done in 5 years. And so I would say to every one of my colleagues, if they vote for this amendment, they are voting for 5 years of progress and then regression when there will be nothing.

I would particularly speak to the small number of my colleagues who have the balance of power in this amendment, who support Brady but are thinking of voting for this amendment.

I ask my colleagues to ask themselves, everyone who has offered this amendment and spoken for this amendment has one thing in common, even if this amendment passes, they will vote against Brady. They are not supporters of a waiting period at all. They are not supporters of doing anything logical about guns, in my judgment.

This amendment is intended by the opponents of Brady to weaken Brady. So if my colleagues are a supporter of Brady, if they are thinking of voting for Brady, do not try to fool everybody by saying, "Well, I will vote yes on this, please the NRA, and then vote yes on Brady." It will not work.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

The argument is over for the purposes of delivering one's vote on the Gekas amendment, but I repeat, one thing is clear, or I hope it is clear to the American public, even the opponents of the Gekas amendment concede, or they should concede, that the instant check is the methodology to utilize for background checks of would-be purchasers of guns at the gun dealer's shop.

The instant check, why is that so preferable to everyone?

First of all, the law-abiding citizen, who has some kind of an emergency, a crime spree in the neighborhood, a series of rapes that have aroused the fears among women in a certain area who feel that they must have a weapon at their disposal, for those people who need the emergency type of help and for law-abiding citizens who have nothing to fear from any background check, naturally, the instant check is the preferable way to go.

And the proponents of the waiting period must concede that this is preferable, too, because the felon who dares

to go to a gun dealer's shop to purchase a gun, the few that do, most of them steal them or get them through the black market, those individuals who are not caught give reason and rationale to the instant check that we are espousing.

And so when we propose now a 5-year period within which the Attorney General, already having 5 years to develop technology, I believe we are on the verge of completion of a nationwide system. Only 80 percent is almost done, we believe. One hundred percent can be completed well within the 5 years.

So are we not in the same ballpark? Should not that compromise that the gentleman from New York [Mr. SCHUMER] is articulating apply to support of the Gekas amendment, not to the defeat of it? Because support of the Gekas amendment says that Members prefer the instant check. Everybody does. The proponents of the waiting period prefer the instant check, and we prefer it.

The only legal and proper and legislative way to push the Attorney General and our technology experts to the finalization of the instant check system, the Gekas amendment can make that prevail.

□ 1410

Mr. SCHUMER. Mr. Chairman, I yield my remaining time to the distinguished gentleman from South Carolina [Mr. DERRICK], a supporter of the bill and an opponent of the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] is recognized for 3 minutes.

Mr. DERRICK. Mr. Chairman, I rise in opposition to the amendment.

Clearly America is fighting some kind of internal war, which is escalating, destroying more and more lives. It is a crisis intensified by the easy availability of handguns on our streets. Finally Congress is taking a hard look at the situation. The Brady bill honestly begins to deal with the problem. It is a sane, compassionate and effective way to start getting the handgun crisis under control. The pending amendment could pre-condemn this attempt to failure.

The Brady bill is meant to establish a minimum standard of handgun purchase regulation. Before the 5-day waiting period and the local background check required is lifted, the instant-check system must have access to at least 80 percent of all State and Federal criminal-case dispositions for the last 5 years. Even this will not be a complete check. Even a fully operational instant-check system will never have access to as much information as is available to local law enforcement officials, who can review criminal records not yet entered into any Federal or State database.

The implementation of a reliable instant-check system is at least 5 years away. Only 15 States have fully automated criminal record systems. Four States have no automated criminal record system at all. Twenty-nine are backlogged in the entry of criminal records into their systems and twenty have no method for identifying which offenses are felonies.

The Gekas amendment could gut the provisions in the bill designed to prevent the sale of handguns to felons before an effective instant-check system is in operation resulting in the uninhibited purchase of handguns by criminals. In other words, make no mistake about it: This amendment is a killer. It could lead to more gun-inflicted deaths, and it will certainly kill the Brady bill. No one who is honestly interested in controlling escalating handgun violence could possibly vote for a Brady bill containing an amendment that could leave criminals with unrestricted access to firearms. That is what this amendment does. This amendment is an attempt to utterly debase and kill it. I urge all Members who are ready to take the first steps toward a honest national policy of handgun violence control to kill this amendment, and save the Brady bill.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania [Mr. GEKAS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 236, noes 198, not voting 4, as follows:

[Roll No. 559]

AYES—236

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Chapman
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
DeFazio
DeLay
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fields (TX)
Fish
Franks (CT)
Frost
Gallegly
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kopetski
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Long
Machtley
Manzullo
Martinez
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McNulty
Mica
Michel
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Rahall
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Roth
Rowland
Royce
Sanders
Santorum
Sarpalius
Schaefer
Schiff
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Unsoeld
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Young (AK)
Zeliff
Zimmer

NOES—198

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Blackwell
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
de Lugo (VI)
Deal
DeLauro
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Grandy
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hyde
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kreidler
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Molinari
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Olver
Owens
Oxley
Pallone
Pastor

Payne (NJ)	Sawyer	Torres
Pelosi	Saxton	Torricelli
Penny	Schenk	Towns
Peterson (FL)	Schroeder	Tucker
Pickett	Schumer	Upton
Pickle	Scott	Velázquez
Porter	Sensenbrenner	Vento
Price (NC)	Serrano	Visclosky
Quinn	Shays	Washington
Rangel	Shepherd	Waters
Reed	Skaggs	Watt
Reynolds	Slattery	Waxman
Roemer	Slaughter	Wheat
Ros-Lehtinen	Smith (IA)	Williams
Rose	Smith (NJ)	Wolf
Rostenkowski	Stark	Woolsey
Roukema	Stokes	Wyden
Roybal-Allard	Studds	Wynn
Rush	Synar	Yates
Sabo	Thomas (CA)	Young (FL)
Sangmeister	Thompson	

NOT VOTING—4

Dellums	Romero-Barceló (PR)	Underwood (GU)
Moakley		

□ 1434

Mr. LAZIO changed his vote from "aye" to "no."

Messrs. PAXON, VALENTINE, SPRATT, and REGULA, and Mrs. LLOYD changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3, printed in part 2 of House Report 103-341.

AMENDMENT AS MODIFIED OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer amendment No. 3 as modified, printed in the report.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. McCOLLUM:

In the manner proposed to be added by section 2(b) of the Committee amendment—

(1) strike the close quotation marks and the following period; and

(2) add at the end the following:

"(6) A Notwithstanding any provision of the law of any State or political subdivision thereof that imposes a waiting period before the purchase of a firearm, a licensee may transfer and a person may receive a firearm immediately after compliance with paragraph (1).

"(B) Section 927 shall not apply to subparagraph (A) of this paragraph.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 25 minutes, and a Member opposed will be recognized for 25 minutes.

Mr. SCHUMER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] will be recognized for 25 minutes.

Mr. McCOLLUM. Mr. Chairman, I ask unanimous consent to yield one-half of my time, or 12½ minutes, to the gentleman from Texas [Mr. BROOKS] for the purpose of yielding it to whomever he may designate.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] will be recognized for 12½ minutes, the gentleman from Texas [Mr. BROOKS] will be recognized for 12½ minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 25 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. As most of the folks here know, I have not been enamored with the idea of a waiting period, for many reasons, primarily that I do not think it is necessary because you do the check right now that you can do in 5 minutes. You do not need 5 days to do it. It is, as I said earlier, largely symbolic.

However, I have always believed that we should do what we can to develop a system and put it in place that would prevent a felon from getting control of a gun and being able to buy from a gun dealer. I have always believed this could be improved upon, the records could be improved upon, and the so-called instant check system, which was adopted in one form on a bill here several years ago that I offered and is in the Brady bill as a follow-on to the waiting period that is in this bill, I have always believed that this was a good idea and a procedure we should follow.

Consequently, I have been pleased at least with a portion of this bill dealing with the waiting period, the portion of the bill that says, in essence, that once, now under the Gekas amendment that was accepted, that a 5-year period passes and presumably the efforts are made and fully implemented to put this check system in around the country, you will now at that point in time, at the end of that period, be able through all 50 States to do an instant check to the best of the records available, to find out if somebody who is going in to purchase a gun is a felon, but for many more things.

In fact, the bill the way it is drafted here right now, under the bill as it is drafted before us today, when the instant check system is in place, the way that is going to work is that a dealer, a gun dealer, is going to have to go through a system set up by the Federal and State governments to find out if somebody is privileged to be able to buy a gun or whether they are not eligible. The system requires that the State entity report back to the gun dealer almost instantly, within that day, to tell him whether or not there is a State law, for example, that says this person is not eligible. Maybe he is under 18 or has not qualified by not getting a permit or maybe he is simply a felon as we are all most concerned about in this bill today. But for whatever reason, if the State law says that you cannot get this gun or you are not eligible or the Federal law says that, then and in that case the gun dealer may not transfer the gun. In any other case, he can.

My amendment, which I am proposing today, would simply say that once that becomes the law, once the instant check is in place, once we can do this right away, through all 50 States, then we have no business having any waiting periods.

□ 1440

There is no reason for a waiting period, because we can find the answer when a person goes to buy the gun just like that, instantly. That is the idea behind that provision in the bill.

My amendment would preempt all State laws that would have waiting periods in the face of this.

I would like to make it very, very clear, contrary to what some of the opponents of some of this amendment will be telling you and have already said earlier today, this amendment would leave intact all the laws of the 50 States that would indeed say that somebody is not eligible to get a gun.

For example, after my amendment passes, after the instant check provision is in place, if the State has a law that says somebody has to have a permit to buy a gun, then they are still going to have to have the permit. If they have not bought one, the system is going to say to the gun dealer, "You cannot give or sell a gun to this person."

The same thing is true like in Illinois for an owner to have an I.D. card. That law will still be valid. My amendment would not touch it, or if somebody is otherwise disqualified because they are a drug addict or an illegal alien or mentally defective or a spouse abuser or whatever other disability a state law says that person has that will not allow them to buy a gun, at the point in time when they go to buy the gun from the gun dealer, after the McCollum amendment is passed, after this instant check system is in place, they still will not be able to buy a gun.

So do not be fooled by any rhetoric. State laws in this case are not affected.

What my amendment does is very simple. It says why should we have a waiting period after we have an instant check system in place? There is no reason for it. That is the reason for the instant check system. Then let us simply do away with the State waiting periods, and not have them anymore.

The only other argument I have heard against the amendment is some idea that we are invading States rights. Well, I want to tell you that we are invading States rights right now by this bill itself, by imposing a waiting period on those States that do not have one today.

So what is wrong with going the other step and being symmetrical about this, and when this is all in place and finally we have the instant check, let us simply do away with all waiting

periods. They will not be necessary. State laws will still be in place and all people who are not eligible to have guns at that point in time within the time they go in the bill will be able to buy one. That is all my amendment does. It says let us just simply be symmetrical, be honest, and allow the gun purchasers and no waiting period once the instant check is in place.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Brady bill because I know it will work.

My State of California has had a 15-day waiting period for several years now, and by any measure, it has been an unqualified success. Since January 1991, the California waiting period has prevented over 16,420 illegal gun purchases, including over 8,000 gun purchases by ex-cons who had been convicted of committing an assault or a homicide.

Nevertheless, this bill is merely a first step. We must address the plague of violence that has deprived every American of the peace of mind to walk our streets. Last month, the Los Angeles Times noted that 30 American soldiers died in peace-keeping operations in Somalia, and that is a tragedy that galvanized and horrified the Nation. However, in 1992, an average of 30 people were shot to death every week in the streets of Los Angeles.

There is no panacea to solve this problem. Last week the House voted for more funds for prison construction, to put additional police on our streets, and to keep our schools free of violence. These are important steps.

However, if we are to make our streets and neighborhoods safe again, we have to take reasonable steps to regulate the use of firearms that have no legitimate use either for the sportsman or for those who seek self-protection, I feel that the only way to safeguard the American public from gun-related crimes is through commonsense firearm regulation. We must pass the Brady bill. We must pass controls on military-style assault weapons that are designed solely to kill both police and civilians with military-style precision. We must pass legislation to keep handguns and bullets from children who are not yet legally old enough to vote. We must look at innovative proposals like Senator MOYNIHAN's proposal to tax certain kinds of ammunition purchases.

These gun regulations are long overdue. They make common sense to my constituents. I urge this Congress to act not only on the Brady bill, but on devising a comprehensive policy to ensure that the criminals who bring terror to our streets do not have access to the guns and ammunition that are designed primarily to kill people rather than protect.

Mr. SCHUMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the last amendment that passed hurt Brady, but make no mistake about it, if this amendment passes it will eviscerate Brady.

Those of us who seek rational laws on guns will be worse off than if we had nothing at all.

This is a radical amendment. There have been no hearings on the amendment. It was raised for the first time a week ago, but if it will pass, if this amendment passes, it will be the biggest rollback of gun control legislation in history.

Simply put, what this amendment does, it will wipe out laws in 23 States, plus hundreds of cities and counties. If your State is on this list, if this amendment passes, the laws that your State legislatures have passed will be preempted.

Alabama, California, Connecticut, Florida, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Missouri, South Dakota, Tennessee, Washington, and Wisconsin, all of those laws would be rolled back.

I see one of my colleagues clapping. If you agree with him and you want no laws in any of the States and all these State laws preempted, then vote for this pernicious amendment.

Some States have desired a fingerprint check. They want to check fingerprints before issuing a gun. They could not.

Some States have wished to give a class on gun safety. They would want a class on gun safety before they would issue a gun. Under this amendment, they could not.

Some States would wish simply to have a waiting period so there might be a cooling-off period. Those States as well would have their laws rolled back.

The only thing that the instant check system checks for are felonies. The waiting period that States might allow you to check if someone was mentally incompetent, if somebody had done other things, spousal abuse, that they would not want in their State legislatures' own wisdom to get a gun. It could not be done under this amendment.

So let us be very clear. This amendment will do countless harm. It will tell each State that they cannot pass their own types of laws, and it will be a dramatic step backward in the cause of rationalizing what we do with guns in this country.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield for one question?

Mr. SCHUMER. I am happy to yield to the gentleman from Nevada.

Mr. BILBRAY. Mr. Chairman, I was curious, my State does not have a State law, but by local ordinance we have delays. Would it also strike down the local ordinances as well as the State laws?

Mr. SCHUMER. Mr. Chairman, I thank my friend, the gentleman from Nevada, for asking the question.

It would indeed strike down local ordinances that are in place in places like Atlanta, Salt Lake City, the gentleman's State, and local ordinances throughout the country. It would strike those down as well.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in strong support of this amendment offered by the gentleman from Florida.

After the national instant background check is established, this amendment would preempt the patchwork of different State waiting period laws—and only those waiting period laws. The whole idea of a national instant background check is to have a uniform system in place for doing background checks. This amendment allows such a uniform system.

What do we presently have in House Resolution 1025? As explained by a strong proponent of the legislation during our committee markup, the 5-day waiting period is supposed to be a stopgap measure—a temporary device—until such time at the national instant background check system comes online.

During this nationally imposed stopgap period, all States which do not have a waiting period or which have periods of less than 5 business days are automatically preempted—States' rights notwithstanding. It is clear that the proponents of this bill have no problem with State preemption there.

But, then they argue that when the so-called national background check system is in place, one should forget all about uniformity and let the States create disparate waiting periods all over again.

Where is the logic of this? It's OK to interfere with the laws of some States, but it's not OK to interfere with the laws of other States. The whole bill is a mandate on the States to have background checks whether they want to or not. Either you have a national system with a uniform standard or you don't. You can't have it both ways, and that's precisely what the opponents of this amendment are seeking.

To get that national system uniformly applied throughout this great land, you must vote in support of this amendment, plain and simple.

□ 1450

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] to the Brady bill. It could gut gun laws in at least 23 States.

The Brady bill is the minimum standard of the gun control legislation we should pass.

Twenty three States and hundreds of localities have implemented gun laws stricter than the Brady bill. They see the need to go beyond this 5-day waiting period to effectively address gun violence in their State or locality. The McCollum amendment would negate this progress by reducing every gun

control measure to the lowest common denominator—the background check.

Take Virginia. Virginia was the first State to establish an instant background check system. In fact, Virginia's system is the model for the national system we are trying to implement. But this background check was not enough. Criminals were obtaining fraudulent driver's licenses and buying large numbers of guns in Virginia's shops. They were paying Virginia citizens to make straw purchases where they would pay thousands of dollars to buy 20 or 30 weapons for the black market dealer. Virginia's model instant background check system does not prevent this abuse. Criminals are manipulating this system to run guns from the shops of Virginia to the streets of the District of Columbia, Philadelphia, New York City, and every major urban area on the eastern seaboard. From the pages of Batman to the pages of every newspaper in the country, Virginia earned the reputation of being the point of purchase for the black-market in guns. The Bureau of Alcohol, Tobacco and Firearms, in doing a trace search, found that more than 40 percent of the guns used in a crime in New York City and more than 60 percent of the firearms used in a crime in the District of Columbia were purchased in Virginia.

So this year, the Commonwealth of Virginia acted to stop the gun-runners and stop the flow of firearms by passing a tough one-gun-a-month law. Now Representative MCCOLLUM and others are trying to overturn Virginia's State law.

Do not be fooled by this amendment. Its proponents claim that it only preempts laws made unnecessary by the establishment of the national instant check system. The McCollum amendment overturns Virginia State law restricting gun purchases to one a month by making it impossible to enforce.

The instant check system established by this bill mandates that records be destroyed immediately. This was a concession to the NRA. But the only enforcement mechanism Virginia has for its one-gun-a-month law is for the police to know who has bought a gun in the past 30 days. In Virginia, records on gun purchases are kept for 30 days. Under the McCollum amendment, this would not be allowed.

The McCollum amendment is simply bad policy. If State and local governments want to enact stricter gun control measures to stop violence in their jurisdictions, we should encourage them, not thwart them.

I urge my colleagues to vote against the McCollum amendment.

Mr. MCCOLLUM. Mr. Chairman, for purposes of a colloquy I yield myself such time as I may consume and I yield to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOLLUM], my friend, for yielding this time to me, and, Mr. Chairman, I think the previous speaker in the well points up the need for some clarification that I needed, too, on this amendment which says that notwithstanding any provision of law of any State that imposes a waiting period before the purchase of a firearm and then certain things will follow. Now, imposes a waiting period before the purchase of a firearm; surely the imposition of a limitation on the number of handguns that can be purchased in a month's period is not a waiting period in the eyes of the——

Mr. MCCOLLUM. Mr. Chairman, if I might reclaim my time, the gentleman is correct in the sense like for the permitting purposes of his State and other States that require permits. My amendment does not affect that.

For the question of that one gun a month question the gentleman from Virginia [Mr. MORAN] raised, my amendment would not affect that. Any State law that is not specifically affecting a waiting period would not be affected. It is only the essence of a pure waiting period, or cooling off period which is a waiting period, that would be affected. But gun safety laws, as the gentleman mentioned up there from New York a minute ago, certain States could say you got to have done safety provisions before you can buy a gun.

None of those laws would be affected. They still would have to be complied with even if my amendment were adopted.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from New York.

Mr. FISH. The gentleman used the phrase "permit to purchase." Now is that what is meant in States like Pennsylvania and New York where one has to go through a fairly lengthy process of law enforcement recommendation followed, in my State, by a member of the bench, a judge, having to OK the right for someone to have a permit?

Mr. MCCOLLUM. The gentleman is correct. That was my understanding. We are not disallowing those types of things where there is another purpose intended besides a simply pure wait, that we are not affecting any laws of the State that is out there or that are out there already on the books at all whatsoever except those which are just for the purpose of a waiting period.

Mr. FISH. Mr. Chairman, I thank the gentleman.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I thank the gentleman from Florida because this is terribly important to understand.

Virginia interprets its one-gun-a-month law as a waiting period before one can buy an additional gun. In other words, one can buy 12 guns in a span of a year, but they have to wait a month. In order to make sure that a person is waiting that month they have to retain files for at least 30 days. They can do that.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, this amendment would not affect the law in the gentleman's State as I see it or as it has been written. That is very clear from a reading of the amendment and the bill itself that incorporates the existing language in Brady.

Mr. SCHUMER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is an example of a last-minute amendment that was drawn up, and I think any reading on its face is different from what the gentleman from Florida [Mr. MCCOLLUM] has said. It says any State or political subdivision thereof that imposes a waiting period. It does not say a waiting period only for the purposes of a waiting period. It does not clarify what the waiting period is for.

In New York State, I would say to the gentleman from New York [Mr. FISH], if one must wait so the fingerprint check can be done, that is a waiting period. In the State of Mr. MORAN, Virginia, if one has to wait before they can buy another gun, that is a waiting period. If the legislation were intending to do what the gentleman said, there is easy language to write it in. In fact, Mr. Chairman, I had tried to do that previously at the request from another gentleman on the other side. You could say only a waiting period without identification, without testing, without any of those other things.

I submit to every one of my colleagues here that they should read the legislation, and I say, if you can be sure that it doesn't preempt your own State, then vote for this. But I would say to you that, if you took a hundred scholars, lawyers, average people, and asked them to read this, they would say any State that imposes a waiting period, not for only one purpose, but any waiting period at all.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I would ask that the gentleman from New York [Mr. SCHUMER] join me in a brief colloquy for the purposes of clarification.

Is it true that there have not, as I understand, been any hearings on the legislation before us, open and public regular hearings?

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, the gentleman is exactly correct. There has not been a single hearing on this. We have not had anyone testify. This legislation, important as it is, is being

interpreted without any legislative history at all.

Mr. MFUME. Mr. Chairman, I thank the gentleman for that clarification.

Could the gentleman tell me whether or not, if a State already has as part of its requirement a requirement to fingerprint individuals, if that law or that policy would be preempted by passage of this amendment?

Mr. SCHUMER. It will indeed be preempted because you could not fingerprint immediately, and it would require a period of waiting. It would indeed be preempted.

Mr. MFUME. Mr. Chairman, I thank the gentleman for that clarification.

Could the gentleman tell me, if a State happens to require gun safety classes as part of an already existing set of laws, would those classes then in that procedure be preempted by passage of this?

Mr. SCHUMER. It seems quite clear again, because you would have to wait before you got the gun to take the class, that it would indeed.

Mr. MFUME. I thank the gentleman; I see.

So, therefore, it is fair to assume that waiting periods are not defined by the legislation before us; is that correct?

Mr. SCHUMER. That is correct.

Mr. MFUME. And would the gentleman clarify in the State of Maryland, where I come from, which has already gone ahead of us in terms of trying to prevent some of the abuses that occur, would the laws of Maryland be preempted by passage of this?

□ 1500

Mr. MFUME. Would 22 other State laws be preempted?

Mr. SCHUMER. They would, indeed.

Mr. MFUME. I thank the gentleman for the clarification.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the laws of Maryland are already preempted by the Brady bill, as reported, and there is no reason whatsoever to think that fingerprinting would be prohibited by this amendment whatsoever. That may be the opinion of the distinguished Member from New York, but that is not the way the law reads. I do not believe that that would be the case at all.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, no parent, no husband or wife, no brother or sister or friend who has felt the effects of the criminal misuse of firearms can escape the deep feeling of anguish and anger that result. I know, because my daughter has been both mugged in New York City and held at gunpoint outside her home in Los Angeles.

Our society is far too violent—and there is no question that the use of firearms is a particularly dangerous part of this violence. This is what appeals to those who call for a 5-day waiting period. But it just won't work.

The Seattle Post-Intelligencer—a daily newspaper in my State that has supported past gun restriction efforts—editorialized it this way.

> The Brady bill, mandating a 5-day waiting period * * * is more symbolic than substantive. Washington State has a 5-day waiting period, but it has failed to bring any appreciable decline in handgun violence.

Even Sarah Brady acknowledges this point. The March 1991 issue of the Washingtonian quotes her as saying the Brady bill won't "stop crimes of passion or drug-related crimes."

So I suggest we debate the Brady bill for what it is: A politically and emotionally satisfying solution to a problem with which so many of us are struggling. We know the Brady bill will not reduce crime because most criminals buy their guns from other criminals, not legitimate licensed dealers.

We also know that instant background checks are feasible now because they are in place in many States across the country. So why not mandate instant background checks if we want to stop felons from buying handguns from legitimate dealers? Why are we proposing a bill that simply permits police to do background checks—particularly when we know that police already have this authority?

Mr. Chairman, a great tragedy in American politics occur every time a groundswell of support for reform is dissipated on symbolic measures, bandaides that leave the real problem untouched. We must recognize that unless we return to the root of the problem, we will never truly heal our society.

We need to invest in that basic fabric of our country—our children. Programs such as Head Start must be improved and fully funded. Drug prevention programs such as DARE must get to young children before they get into drugs. We need to provide more early childhood education and a nurturing environment for the child who lacks a family and positive role models. We need to ensure that foundational values necessary for civilized life are instilled in our children. We need to counter the glorification of violence.

The siren call for stricter gun laws is appealing, Mr. Chairman. But such quick fixes as a 5-day waiting period do little more than trample on both the rights of law-abiding citizens and the Bill of Rights.

Without this amendment, I strongly oppose this bill.

I support the McCollum amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I have consistently voted against the Brady bill because I believe it is the right of the States to determine how they will govern the sale of guns and weapons in their States. I still believe that, and will vote against the bill.

But I also think equally wrong is an amendment that would prohibit the States from setting their own standards. I believe if the States do not want a waiting period, they should not be forced to have one. If they want one, they should have the right to put it in. It is the same reason I vote for the District of Columbia to be able to conduct their own future, because I think the people of that State and their leaders should be able to choose what they want to do as far as gun control is concerned within their purview.

Mr. Chairman, I urge Members that believe in States' rights, that believe in the rights of the States to determine their future, with regard to gun control or any other area, to vote against this amendment, and to vote against the bill at the end.

Mr. McCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in support of the McCollum amendment. I am also going to have a few questions for the gentleman from Florida [Mr. McCOLLUM].

Mr. Chairman, I am going to vote against the Brady bill itself, but I have some real concerns that I would like to ask the gentleman about. I live in Indiana. Indiana does have a check, a 5-day waiting period.

Mr. Chairman, under the amendment of the gentleman from Florida, under the preemption provisions, would the gentleman tell me how it is going to affect us in Indiana and other States?

Mr. McCOLLUM. Mr. Chairman, if the gentleman will yield, once the instant check provision is in place under the Brady bill, the waiting period in the gentleman's State under my amendment would end. If the gentleman's State has some prohibition on somebody getting a gun, like they have to take a test or go to a class or get a permit, my amendment will not affect that. But the waiting period per se, just for the sake of having a waiting period ends. It is very clear, because my amendment is tied to the language of the Brady bill that leaves in place prohibition on anybody being able to receive a gun if it is in violation of any State or local law.

All I am saying is that if there is just a waiting period per se, that is no longer going to be allowed.

Mr. BUYER. Mr. Chairman, reclaiming my time, part of the driving substance of Brady is the instant background check. So when you have the instant background check, it is in place, then it is very proper to have the preemption conditions to set the standard codification for the entire country.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will yield further, that is right. There is no point in having any kind of period of waiting once this

is in place. I do not happen to particularly like mandates, but, as the gentleman from Texas [Mr. BROOKS] has stated, this whole bill is a mandate. This whole bill is imposing waiting periods on States that do not want them. Once we have this in place, why should we have waiting periods anywhere?

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, as I grew up in the State of Indiana, where we have a 7-day waiting period and we have had it on our books for almost 10 years, we had natural disaster teams regularly come into our schools, and we would listen to these people warn us about tornadoes and what to do if a tornado hit. I am sure other Members in this body know that if you lived in California, the disaster team told you about an earthquake, and in Florida what would happen if a hurricane hit.

Today, Mr. Chairman, these disaster teams come into our schools and warn our children what they should do when a gun is pointed at them. Thirteen children every day die because of firearms. I think this body should act on this bill, without weakening our State laws where we have waiting periods, and begin to do something about the escalating violence in our schools, in our neighborhoods, and in our streets.

I do not think, Mr. Chairman, that the Brady bill goes too far. This is a step of concern and, combined with reforms and habeas corpus and the exclusionary rule, we will make progress in fighting crime.

Mr. McCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I join my colleague from Indiana that just spoke about the importance of combatting violence in America, having even been a former prosecutor. Perhaps there are different approaches though. Many say, "Well, what we can do is just take the handguns out of the marketplace, and that will solve the problem." I think we realize though that criminals are going to get hold of guns. Even here in Washington, DC, where it is illegal to even purchase a weapon in this town, look at the crime rate that is here. We have the waiting period in Indiana that the gentleman is aware of.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Chairman, I thank the gentleman for yielding, and thank him for his leadership. I also want to acknowledge publicly on the floor that I follow in the 19th Congressional District of Ohio my former Congressman, Ed Feighan, who has been a leader on this issue as well.

Mr. SCHUMER. Mr. Chairman, if the gentleman will yield, Ed Feighan has been a wonderful leader on this issue, and I hope he will be happy with the results today.

Mr. FINGERHUT. Mr. Chairman, I also hope he will.

Mr. Chairman, I strongly support the Brady bill, but that is not the issue on this amendment. The sponsor wants to use the opportunity of the consideration of the Brady bill to go beyond this issue and to reach out to State and local legislation that has been passed all over the country with respect to handgun control. This action, in my judgment, would be contrary to good principles of democratic government. We have citizens all over this country who have worked for years to lobby their local officials and their State officials to enact legislation. It should be up to them to decide whether or not they want to continue all of the laws, some of the laws, or none of the laws after we adopt this basic minimum standard of responsibility across the country.

Mr. Chairman, if we pass the Brady bill, we honor the actions of all those activists, led by Jim and Sarah Brady, across this country. But if we pass this amendment, with all due respect to the gentleman from Florida [Mr. McCOLLUM], we dishonor all of their activities.

Mr. Chairman, let them decide. Pass the Brady bill. Defeat the McCollum amendment.

□ 1510

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman for yielding time to me.

A waiting period has an emotional appeal for controlling crime. But in point of fact, I know of hardly a shred of evidence that a waiting period or any other gun control law has anything to do with controlling crime.

I will tell Members, a waiting period does have to do with something else, and that an infringement of what I think are individual rights that are guaranteed by the Constitution.

Now, ordinarily I would be up here stoutly defending States' rights and their right to enact laws as they see fit, because what I read in amendment 10 of the Bill of Rights in the Constitution, it says that "All of those powers not delegated to the United States are reserved to the States."

But also in these important 10 amendments that were enacted just 4 years after the Constitution was enacted, I read, in the second amendment that the right of people to keep and bear arms is a responsibility of the U.S. Congress.

I stand in full, wholehearted support of this amendment. What this amendment does, very clearly, is to mitigate the harmful effects of the Brady bill, and it makes it maybe not an acceptable bill but a less onerous bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in strong opposition to this amendment, because it would gut the strong handgun restrictions that have proven so successful in my State.

We have set an example for the Nation by cracking down on illegal gun trafficking. Since 1987, New Jersey's mandatory criminal background check and other provisions have kept guns out of the hands of nearly 3,400 ineligible, would-be purchasers.

Mr. Chairman, in the same 6-year period of time more than 150,000 Americans died from handguns. By contrast, only 840 homicides by handguns occurred in New Jersey.

We have one of the lowest homicide rates by handguns in the entire Nation. It proves the effectiveness of a strong handgun law. If the gentleman wants to gut handgun control, let him do it in Florida. Do not do it at the risk of the lives of the people in New Jersey. I oppose this amendment.

Mr. McCOLLUM. Mr. Chairman, for the purpose of engaging in a colloquy to speak a little bit about New Jersey, I yield 1½ minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

I am from New Jersey, and I am very interested in learning what the sponsor believes the impact of this amendment would be on gun control in our State.

We do not have, in New Jersey, a formal waiting period. But as a practical matter, it takes 3 or 4 months to get a permit to buy a handgun. One needs a separate permit for each handgun purchased. They have to have their fingerprints taken each time. There is an FBI check. There is a check of State criminal records. There is a check of mental institution records. There is a requirement of personal references as to the reliability of the would-be purchaser.

It is a very time-consuming process, takes far more than 5 days. It takes generally now 3 or 4 months.

What I would like to know from the sponsor of this amendment is what impact the amendment would have on New Jersey's existing law.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, first of all, when the bill is in place and the instant check provision in 5 years kicks in, a lot of the things that permitting time is consumed to do will be done within a matter of a few minutes. There will not be any time delay involved to get the permit. But the law will still remain on the books and be unaffected by my amendment.

There are several things the gentleman listed that would have to be complied with before the individual

seeking the gun could be eligible. And if that took a little time to do, then, of course, it is going to take that amount of time.

What would be stricken by my particular amendment would be a pure waiting period just for the sake of a waiting period.

If someone got a permitting requirement and it really takes that long to get something else done that is not covered by the Brady amendment, it would not be affected by this amendment.

Mr. SCHUMER. Mr. Chairman, I yield a minute and a half to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to this amendment, and urge my colleagues to join me in voting down this killer amendment.

Let me make one point perfectly clear: We must defeat this State preemption amendment, which would require our minimum Federal standard to preempt and prohibit tougher State laws.

This is absolutely ludicrous. The Brady bill is designed to represent a minimum, Federal standard. The idea that we would eliminate all other restrictions would be laughable were it not so offensive. This guts the intent of the Brady Bill.

Let me explain what the effect of this maneuver is. In my own State of New Jersey, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands, and sportsmen still get their guns.

But under this State preemption amendment New Jersey's 20 years of strong, fair, and effective anti-gun-violence protections would be thrown out the window, that is gutted.

New Jersey is not alone: Hard-fought victories for sensible gun control advocates will all be negated by the McCollum amendment. Under this preemption amendment, waiting periods in dozens of States would be inviolated. Permit-to-purchase systems across the country in 23 States would be turned out overnight. National, pioneering limits on handgun purchases, firearm abuse by juveniles, and scores of other commonsense restrictions would become moot.

I find it even more incredible that this amendment is supported today by some of our more ardent States' rights advocates. How they can justify the striking down of all State laws by one Federal standard strains the bounds of logic, if not common sense.

When we even consider an amendment like this, it's no wonder why the American people hold our institution in such disregard. In other words the public should understand that this is a way for Members to appease both factions and have it both ways.

Again, my colleagues, this debate comes down to common sense, and simple logic: Anyone who needs a gun right now needs a waiting period. Period.

I urge my colleagues—stand up to the gun dealers lobby. Oppose this amendment and do the right thing: Pass the Brady bill.

Mr. Chairman, I would like to call on my colleague; this is New Jersey day here. We seem to have a division of opinion here.

It is my conviction, and I would like to ask a member of the Committee on the Judiciary, also from New Jersey, for his opinion here.

It is my opinion here that this amendment, indeed, not only guts the bill, the Brady bill and the intention for a minimum Federal standard, but beyond that, it would make it totally untenable and illegal for New Jersey to have its background checks as presently conducted.

Is that the understanding of the gentleman from New Jersey?

Mr. HUGHES. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, the gentlewoman is absolutely right. I do not know how the gentleman from Florida can read it any other way, because in New Jersey, as the gentlewoman knows, we require a fingerprint check. We cannot turn a fingerprint check around instantaneously in New Jersey.

We wipe that out by McCollum. We wipe out the background check that New Jersey does, under McCollum, because in essence we have a waiting period in order to do the background check and the fingerprint check.

Mrs. ROUKEMA. Mr. Chairman, I would suggest there is no way to check the medical records of anyone during that background check, under this system of instant check. So it really guts New Jersey law, a law that has stood us in such good stead for more than 20 years.

Mr. HUGHES. Mr. Chairman, if the gentlewoman will continue to yield, it wipes out all the laws like that throughout the country. That is what it does.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

I just want to respond, if I could, that this is simply a charade with regard to quibbling over words. This is very, very clear.

Whatever the State laws are, they are on the books today. They are not going to be affected, unless they are truly a waiting period. Some of the New Jersey law is a waiting period, and that is why we have the instant check provision.

Once they are in place, yes, we are going to preempt every waiting period in this country. We should be doing that. We do not need a waiting period any more, if we can do the instant check to find out, as this bill says it can on its face, that there is, indeed, a mental defect or there is a felony background or a lot of other things in here.

If indeed it does require a little additional time to do a permit because of some other reasons in the State law, we do not affect it. It is just as simple as that.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Texas for yielding time to me.

Opponents of this amendment have crafted some clever but absurd arguments against it. They cry that they want to preserve States' rights, while they support a bill that usurps States' rights. It is like an elephant stampeding in a chicken yard and saying, "Every man for himself."

All the McCollum amendment is doing is trying to preserve the chickens, just trying to help them out a little bit.

States' rights are being trampled on by the Brady bill. The McCollum amendment is just trying to help the States out a little bit.

We have heard today, from a previous speaker, that handguns have killed 13 children. I am sure that the speaker truly believes that, but I have got news for him. Those handguns did not kill 13 children. It was the people who held the handguns in their hands. Those people pulled the trigger because of broken homes, because of mixed up morals, because of early parole and myriad other special ills, which the Brady bill does not and will not and cannot address.

Mr. Chairman, let us support this amendment. Let us vote "no" on the bill.

□ 1520

Mr. McCOLLUM. Mr. Chairman, might I inquire of the Chair what amount of time each of us has remaining?

The CHAIRMAN (Mr. SKAGGS). The gentleman from Florida [Mr. McCOLLUM] has 1 minute remaining, the gentleman from New York [Mr. SCHUMER] has 7½ minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 6½ minutes remaining.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today in strong support of H.R. 1025, the Brady Handgun Violence Prevention Act, and in opposition to the McCollum amendment.

Today, in my district, the discussion will not be about NAFTA. If a public

issue is talked about, it will be crime, and mostly gun-related crime.

The only free trade zones that cause concern in my district are the corners and schoolyards where crack and guns are sold. Guns are shooting up our neighborhoods, turning our communities into fire zones, endangering police officers as they do their job and our children as they play. Guns are bankrupting urban hospitals and stealing away our very freedom to walk our streets or sit on our front steps.

We have delayed long enough on this issue. Year after year, our efforts to pass this bill have been blocked by the gun lobby.

The McCollum amendment is another attempt to divert efforts away from meaningful gun control legislation. An instant check system, while helpful to local law enforcement, may not be enough to keep guns out of the hands of criminals.

Further, I believe States must have the right to enact stronger legislation if they want to. Already there are States which have stricter statutes. Congress should not preempt such laws in the name of gun control.

We take the first step in the fight to cut down the number of guns today. Vote for the Brady bill, and oppose the McCollum amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, my district includes Rochester, NY. Our city does not usually make the national headlines as a murder capital. But just yesterday, the newspapers reported two more local homicides, bringing this year's death toll to 58. Rochester is on course for a murder record in 1993—and my constituents are frightened and outraged by the rising tide of violence.

I am glad to say that many in our city have refused to give in to fear and despair. When Janet Reno visited Rochester last summer, we had the chance to visit with a neighborhood watch group. She and I patrolled their area with its members, and we saw the pride they feel as they take their streets back from the gangs and the drug pushers.

The most poignant example of our community's response to violence came just a few weeks ago. More than 300 people joined together in a silent procession. As they walked through the rain, they held unlit candles to signify the extinguished potential of the city's young murder victims—people like 16-year-old Ralik Henton, who was caught in a gang crossfire on his way home from Bible school.

Mr. Chairman, the McCollum amendment is an attack on brave people like those marchers all across America. In response to their urgent pleas, some two dozen States and countless towns and cities have already enacted gun laws. This amendment would destroy them all.

For example, New York uses fingerprint identification to screen handgun purchasers. This system is obviously more secure than the minimum required in the Brady bill. The McCollum amendment would dismantle this excellent system, even though the majority of New Yorkers support it.

State and local governments everywhere have heard the public demand for concrete action. They have carefully crafted gun laws that are tailored to local needs. The McCollum amendment would replace those laws with a national standard that is only intended as a minimum standard.

The people who marched through the rain last month are looking to this House for leadership, just as they have looked to the State government before. They need the swift establishment of a national background check for gun purchasers.

They do not want Congress to pass a version of the Brady bill that makes guns easier to purchase in New York. I urge Members to empower my community, and all the local communities of the United States. Oppose this destructive amendment, and vote for the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise today in support of H.R. 1025, the Brady bill, and to oppose the McCollum amendment. Some 84 percent of the people of Florida voted for a 3-day waiting period; this amendment would ignore the mandate of Florida voters. This bill has been debated for 6 years—and in that time, 138,000 Americans were killed by handguns. The National Education Association, which supports this bill, estimates that more than 135,000 children bring guns to school every day. The American Medical Association says this bill is good medicine for America. It is one of the most effective means of treating the crisis in our emergency rooms by avoiding the violence of easy access to handguns. Gunshot wounds, including homicides, suicides, and unintentional shootings, are the leading cause of death for both African-American and white teenage males. Guns kill more teenage boys than all natural diseases combined. For young African-American men and women aged 15 to 24, homicide is the No. 1 cause of death.

The Brady bill is supported by 92 percent of all Americans. Even 87 percent of all gun owners support the bill. Every major law enforcement organization in the country supports the bill. In Florida, we call this kind of amendment loving a bill to death.

Mr. Chairman, let us kill this amendment.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, with all due respect to my colleague, the gentlewoman from Florida [Ms. BROWN], I simply do not think that she has the point of this. The waiting period in Florida and in any other State will be obsolete for the purposes of being a waiting period. The reason it was passed was in order for us to be able to do the things that the Brady bill does and the instant check provisions do. Once that becomes the law, there is no need for a waiting period in my State or anywhere else. That is why I propose this preemption, so we do not have a multitude of diverse laws out there that confuse everybody.

Let us be on the same sheet of music. If we are going to be on that same sheet for the waiting period in this bill, we ought to be on it when the instant check is in place.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. McCOLLUM], author of the amendment, and a man who has done an awful lot to try to resolve the issues in the Committee on the Judiciary, particularly on this particular bill. It is the kind of an amendment that helps make this bill viable.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think this is a good point in time to, at this juncture, summarize some of the critics out there and discuss where it is going on this. We have a complicated little bill here called the Brady bill. It is simple, on the one hand, but complicated in its scope.

We are dealing with preempting the States' rights now in this bill. We are telling every State that does not have a waiting period today if this bill passes that they are going to have to have one. It is going to be a 5-day waiting period, in order to be able to buy a gun at any gun dealer's store.

The primary reason for the waiting period that everybody has said for years, including the authors of this bill, is to be able to check to find the felons who are purchasing guns or trying to purchase guns at gun dealers' stores. That is a tiny fraction of the big problem. The big problem the American public wants to get at is how do we take most of the felons off the streets who are using these guns, and lock them up and throw away the key. That is the purpose of this bill, to get at that tiny fraction.

I am not opposed to that. I have always believed it was unnecessary to do that, because the check system we have in place now is not as good as it could be, but it is as good as it is going to be, and it can be done in 5 minutes or so.

Over a period of time, though, when this bill goes in effect, after it is mandated to these States that have to have

the waiting period, and some States already have a waiting period, and everybody is going to have one, there is going to be developed an instant check system, something that is going to be required of every State.

There are certain purposes set out in the bill that says that this instant check system is going to go through a process when it is in place at the end of the time, and before a gun dealer can sell a gun, if there is any State or local law, it says under this instant check system in the bill now, the way it is worded, you are not going to be, if it says you cannot buy a gun, you are not going to be able to buy a gun from the gun dealer.

All my amendment does is say, "Look, that is fine. I am all for that." Whatever States have that, that law stays on the books. If you have a permitting system, that is certainly part of that in any State or local law. We are specking at flies out here in every sense of the word when we try to distinguish things like some of these folks are doing out here.

All my amendment does is, it says that a pure waiting period is no longer going to be valid once this instant check system comes into place. That is all it does.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, if a State had a test as to age, they say that nobody under the age of 18 could buy handguns.

Mr. McCOLLUM. Right.

Mr. BROOKS. If the gentleman will continue to yield, or that they had to have fingerprints, or that they had to have a high school education, or a little background check as to felonies and other little matters they might have been involved in, would that be precluded in any way by the gentleman's amendment?

□ 1530

Mr. McCOLLUM. Reclaiming my time, Mr. Chairman, it would not be precluded in any way by my amendment. Once my amendment is in place, all of those laws would still be on the books, still be valid, and those checks would still have to be hurdled before somebody could buy a gun.

I thank the gentleman.

Mr. SCHUMER. Mr. Chairman, I yield myself 30 seconds. I just simply say again, read the language. It does not say that it imposes a waiting period just because it is a waiting period; it imposes waiting periods, any waiting period, waiting period for fingerprinting, waiting period for class, waiting period just for waiting period, all knocked out by the bill. We have spoken to the Attorney General's office. That is how they interpret it as well. And again, this could knock out laws in 25 States.

Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I rise today as an opponent of the Brady bill. I will be voting against the Brady bill this afternoon.

I will also be voting against this amendment, however, which I find has nothing to do with gun control, but everything to do with the relationship between the Federal Government and local governments.

I came to Washington believing that Washington tries to put a one-size-fits-all stamp on the localities and the States of this country. All too often in my State, Washington preemption has caused all kinds of problems in any number of areas. We do not want to add to the problem of Washington preempting local decisionmakers accountable to different localities all across this country.

This is about the relationship of the Federal Government to local government, and I do not favor this expansion of the long arm of the Federal Government in this way.

Vote against this amendment.

Mr. BROOKS. Mr. Chairman, I yield myself a half a minute to inquire of the author of the amendment, 25 State laws they say will change. That is the statement of my friend from New York. That might be true. We question that.

But I would say there is no question about it that the bill, as now printed, already contravenes more State laws than that in mandating what that waiting period has got to be.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. BROOKS. They want to play it both ways. Is that your understanding of the situation?

Mr. McCOLLUM. That is my understanding, and our amendment is very narrow in what it does. That is my understanding.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to a distinguished friend and leader in this Congress for many years, the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from Texas [Mr. BROOKS] for yielding me this time.

Mr. Chairman, this is an excellent amendment. I commend its author. I urge my colleagues to support it.

This does one thing. It says that once a system of instant check is in place that all States must rely on it, all citizens will be under that law and treated equally. The only thing that it addresses is the waiting period and the instant check.

I urge my colleagues to recognize that everyone in the country should be treated alike. There is no difference in the way a citizen of one community with regard to waiting periods would be treated than in any other. If this is good national policy for Detroit, or Chicago, or New York, or if it is a good national policy for Provo, UT, or Salt Lake City, or San Francisco, or Portland, OR, and indeed for Sheboygan, it is good for everybody else.

I would urge my colleagues to vote with me, my good friend, JACK BROOKS, and the distinguished author of this amendment for uniformity. Let us treat everybody alike. There is absolutely no reason for differentiation between different classes of citizens because they live in different places.

If this is going to halt crime, let us do it uniformly in all places. And I would urge my colleagues to vote for this amendment, to support the chairman of the committee who has wisely led us through this difficult thicket.

I would have my colleagues know that when the chairman of the Judiciary Committee, perhaps the foremost and most skilled and senior lawmaker in this place speaks, the House should listen, and we should understand that uniformity, equality, fairness in all parts of this country under the law with regard to firearm ownership is indeed desirable.

I urge my colleagues to vote for the amendment, to support the Honorable JACK BROOKS, and to vote for good sense and uniformity.

Mr. SCHUMER. Mr. Chairman, I yield myself 30 seconds.

I just have a letter that I would like to read into the RECORD from the Attorney General, Janet Reno.

> I have consulted with Walter Dellinger, * * *.
>
> It is his opinion that the amendment, if adopted, would likely be interpreted by the courts to preempt not only State and local provisions that are explicit waiting periods, but also many other provisions that operate as de facto waiting periods, such as requirements of safety training before a purchaser can take possession of a firearm.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I have here a message from myself. It is dynamite in support of the amendment.

Mr. Chairman, I rise in opposition to the Brady bill. This Brady approach will have absolutely no effect on the incidence of violent crime.

The rationale behind a waiting period is that gun dealers would have the opportunity to determine if a potential customer is medically incompetent or a convicted felon, and if so prohibit them from obtaining a firearm. Yet the Brady bill does not require local law enforcement agencies to use this time to carry out even a minimal background check on purchasers. Nor does this bill provide any funding to pay for the administrative costs associated

with background checks. In reality then, the Brady bill is nothing more than a mandated suggestion.

Additionally, it is a myth that criminal records at State and Federal levels are complete and accurate enough for a background check to be effective. In fact, a task force of the U.S. Attorney General studied ways to identify felons attempting to purchase, firearms and determined that a vast number of felony convictions—40–60 percent—are not accessible electronically, making a felony check moot. Moreover, the absence of a national, comprehensive list of felons further impedes efforts by local law enforcement agencies to determine if individuals have criminal records.

Contributing to the inadequacy of criminal registers is our overcrowded criminal justice system. In most major cities, courts are so backed up with cases that prosecutors are routinely forced to plea bargain, leaving would-be felons to be charged with misdemeanors. The case of Patrick Purdy is an excellent example. This mass murderer lawfully purchased handguns in California under the 15-day waiting period. But because his previous felony arrests had been reduced to misdemeanors, background checks on him revealed nothing. The Brady bill will not change this predicament.

What is particularly disturbing about the Brady bill is its underlying assumption that criminals purchase handguns from federally licensed dealers. That is absurd. Criminals buy their weapons off the streets or steal them. In fact, only 7 percent of the guns obtained by violent criminals are obtained through lawful means. So the Brady bill will not inconvenience street thugs for a minute. Indeed, passage of the Brady bill will likely feed an already burgeoning black market for guns.

More importantly, most States with high crime rates already have waiting periods, along with a number of other draconian gun laws. Indeed there exists nearly 20,000 local, State, and Federal firearms regulations today. Yet these restrictions have had little—if any—effect on the number of violent crimes committed in areas with such laws. Not even the Gun Control Act of 1968, which placed a host of tough restrictions on gun ownership and transfers nationwide, has had a significant effect on crimes involving firearms. Just the opposite, statistics show that crime has increased almost threefold since its passage.

Clear and tragic examples of the failure of gun laws are Washington, DC, and New York City, which have some of the strictest gun restrictions in the Nation. Even in my home State of California, where the waiting period had been increased to 15 days, homicide rates have risen nearly twice as fast as the national increase after such a measure was enacted. The Brady bill will do nothing to stem this tide.

There are 200 million guns that remain in the hands of private citizens today. That's an enormous arsenal. How would the Brady bill, which only affects new purchases, control the number of guns already in circulation? The answer is, it would not. Which means somewhere down the line gun control advocates will redirect their efforts to confiscating those guns already in circulation. This would hardly be effective, since the most extensive scientific study of gun control to date revealed that it would take several thousand [confiscated guns] to get just one that would otherwise be used to bring about someone's death.

Mr. Chairman, do my colleagues honestly believe that criminals will suddenly obey new gun restrictions, even though they clearly ignore the ones we already have? What makes anyone think that criminals will have a change of heart in the way they do business? Isn't it logical to assume that only law-abiding citizens abide by the law? Don't the statistics bear this out? Isn't that why crime is so rampant? Indeed gang members, armed robbers, and street thugs have made their careers out of breaking the law. No Brady bill can change this fact. Like drug addicts who will always find ways to get dope, criminals will always find ways to get guns. It's that simple.

With all of this in mind, I strongly believe that armed robberies, schoolyard violence, drive-by shootings, and other gang warfare cannot be prevented by the passage of the Brady bill. Not even the shooting of Jim Brady himself would have been prevented by this measure. Brady was shot with a gun that was purchased legally by John Hinckley weeks before he used it.

Mr. Chairman, gun control hardly addresses the real issue which is our turnstile justice system. If we are to reduce violent crime in America, we should make sure those responsible for such crime go to jail and stay there for a long time and, in many cases, forever. Unfortunately, our criminal justice system has become so lenient that criminals routinely serve pathetically short sentences and are allowed to walk free to abuse us again.

What we need is swift and sure justice with tough, mandatory sentences for criminals, including the death penalty for particularly heinous criminals who snuff out the lives of innocent victims and rip the hearts of their families. We also need an effective juvenile justice reform system that sends a powerful message to young people that criminal behavior will be severely punished. Furthermore, adequate prison facilities are necessary to ensure that all violent criminals are locked safely behind bars. Only these and other tough measures will help make headway against the rampant crime that is tearing our Nation apart.

While passage of the Brady bill may appear to be a common sense approach to combating crime, it will only succeed in impeding those law-abiding citizens who wish to purchase a gun for sport, hunting, collecting, or, most importantly, for protection—all of which are perfectly good reasons to own a gun. As looting during the Los Angeles riots and following Hurricane Andrew in southern Florida clearly demonstrated, waiting periods often leave law-abiding citizens disarmed and defenseless during grave emergencies.

In conclusion, I ask my colleagues to take a serious look at the source of crime in this Nation. It is not guns alone, but the criminals with illegally obtained guns who are maiming and killing our family, friends, neighbors, and fellow Americans. Let us pass a bill that addresses true criminal justice reform. Attack crime, not law-abiding citizens.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I believe very distinctly this amendment has been articulated well for everybody. I think it is very clear. It is something that will make uniformity out of this law.

If we are going to pass a waiting period, and then get an instant check eventually for those who are going to go and buy guns from gun dealers, we ought to have uniformity. There is absolutely no reason for a waiting period. All of the other arguments we have been hearing out here today are hogwash.

The interpretation of reading this bill and the language and what I have proposed in this amendment is very clear that the laws of the States will only be preempted when the instant check law is in place and everybody is going to be able to go out and find out what the rules of the game are. Then they ought to be preempted, and that is what my amendment does, and that is all it does.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield my remaining time to the distinguished gentleman from New Jersey [Mr. HUGHES], a member of the Committee on the Judiciary.

Mr. HUGHES. Mr. Chairman, I thank the gentleman from New York for yielding the time and salute him on his leadership on this issue.

Let me tell Members, you buy this McCollum amendment and you are ready to buy the Brooklyn Bridge in the district of my colleague from New York. I mean, this would gut the bill. I mean we are going to recommend to the chairman of the committee, and I am sure I am not going to be alone, to vote against the bill if it carries, because what we have done is we have adopted Gekas, which is a sunset. In 5 years it is going to sunset. That is whether or not we have instant record check turnaround or not. It is going to sunset. It is going to leave.

In fact, the law, because it is sunset, means that if we do not have the ability, if we do not have the resources to automate and create a database that will enable us to create the instant check, it means that we will have no Brady bill at the Federal level.

If we pass this amendment, the McCollum amendment, it in essence is saying that whether or not we have an instant check or not we are going to wipe out all of the State laws throughout the country, whether or not we have a Brady bill or an instant check or not.

Well, folks, let me tell you we are going in the wrong direction. I can understand why my colleagues who are adamantly opposed to the Brady bill, like my colleague from Florida, and I respect that, and my distinguished chairman who are adamantly opposed to the Brady bill, I can understand why they would embrace this, because we are moving backwards. I would like to be able to say to my colleagues from

the States, some 25 around the country, how are you going to go back to your jurisdictions and explain to them that you just voted basically to repeal all of the State laws, including this one? These are the States that have had the courage to do something about the proliferation of guns, to require a check to see whether they have a criminal record or a mental history. They had the courage to do that.

□ 1540

And you are going to reward them for that courage by basically repealing the laws.

Mr. Chairman, we have to reject this; it is a killer amendment.

Let me tell you it is better to have no bill than to have this in the present bill.

Mr. Chairman, I urge my colleagues to reject McCollum.

Mr. BUYER. Mr. Chairman, I rise in support of the McCollum amendment and in opposition to the Brady bill.

Mr. Chairman, here we go again. Congress is whitewashing the will of the people with the usual rhetoric. The people have spoken, all across the Nation. America's families are demanding that this Government address our crime problems. They want to feel safe when they walk along their streets, while they sit on their front porch, and while they sleep at night.

Many lawmakers are claiming they are tough on crime and have fulfilled their responsibility by voting for the four token crime bills last week and for supporting the Brady bill today. It is obvious that Congress continues to hack away at our Nation's crime problem with a butter knife.

We all know that if criminals want guns, they can get them. So, why does Congress continue to profess with all the warm and fuzzies that now, all of a sudden, criminals and children will no longer be armed or have access to guns? Over 70 percent of States already have some form of a waiting period and background check. Yet Congress, with this measure, is going to swoop down and solve the problem. It is obvious this won't happen.

History has proven that waiting periods are ineffective. They merely redirect policy from fighting crime.

Congress has got to provide law enforcement officials with the real tools to fight crime.

Mr. Chairman, the intent of this bill is to get firearms out of the hands of criminals and thereby reduce the amount of crime. Congress has shown it is not willing to do what is necessary.

The protection of our families, children, and seniors should be foremost in our concerns. Congress needs to enact new and increased mandatory minimum sentences for crimes which are committed with the use of a firearm as well as for other violent crimes and drug-related crimes. We must expand the use of the death penalty to send the message to criminals that their actions will not be tolerated. We must end the deplorable rate of recidivism, by enacting the LIFER provision. We must also build new prisons to house these criminals and keep them off the streets to replace the revolving door with a barred one.

Mr. Chairman, the waiting period provision in the Brady bill is just another unfunded Federal mandate passed on to our State and local governments. Congress needs to provide States with a computerized, national instant background check system, as well as a tough, comprehensive crime bill.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Florida [Mr. McCOLLUM].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 257, not voting 6, as follows:

[Roll No. 560]

AYES—175

Allard	Goodlatte	Parker
Archer	Goodling	Paxon
Armey	Grams	Payne (VA)
Bachus (AL)	Green	Peterson (MN)
Baker (CA)	Gunderson	Pombo
Baker (LA)	Hancock	Poshard
Ballenger	Hansen	Pryce (OH)
Barcia	Hastert	Quillen
Barlow	Hayes	Quinn
Barrett (NE)	Hefner	Rahall
Bartlett	Herger	Ravenel
Barton	Hilliard	Richardson
Bevill	Hobson	Ridge
Bilirakis	Hoekstra	Roberts
Bishop	Hoke	Rogers
Bliley	Holden	Roth
Boehner	Hunter	Rowland
Bonilla	Hutchinson	Santorum
Boucher	Inglis	Sarpalius
Brewster	Inhofe	Schaefer
Brooks	Inslee	Shaw
Browder	Istook	Shuster
Bunning	Johnson, Sam	Sisisky
Burton	Kanjorski	Skeen
Buyer	Kasich	Skelton
Callahan	Kim	Smith (OR)
Calvert	Kingston	Smith (TX)
Camp	Knollenberg	Snowe
Canady	Kopetski	Solomon
Carr	Kyl	Spence
Clyburn	Lancaster	Stearns
Coble	LaRocco	Stenholm
Coleman	Laughlin	Strickland
Collins (GA)	Lewis (CA)	Stump
Combest	Lewis (FL)	Stupak
Costello	Lightfoot	Sundquist
Cramer	Linder	Swift
Crane	Livingston	Talent
Crapo	Manzullo	Tanner
Cunningham	Martinez	Tauzin
Danner	McCandless	Taylor (MS)
DeLay	McCollum	Tejeda
Dickey	McCrery	Thomas (CA)
Dingell	McHugh	Thomas (WY)
Doolittle	McInnis	Thornton
Dornan	McNulty	Thurman
Dreier	Mica	Unsoeld
Emerson	Michel	Volkmer
English (OK)	Minge	Vucanovich
Everett	Mollohan	Walker
Ewing	Montgomery	Weldon
Fields (TX)	Moorhead	Whitten
Franks (CT)	Murtha	Williams
Frost	Myers	Wilson
Gallegly	Natcher	Wise
Gekas	Neal (NC)	Young (AK)
Geren	Oberstar	Zeliff
Gillmor	Orton	
Gingrich	Packard	

NOES—257

Abercrombie	Andrews (TX)	Barca
Ackerman	Applegate	Barrett (WI)
Andrews (ME)	Bacchus (FL)	Bateman
Andrews (NJ)	Baesler	Becerra
Beilenson	Hall (TX)	Ortiz
Bentley	Hamburg	Owens
Bereuter	Hamilton	Oxley
Berman	Harman	Pallone
Bilbray	Hastings	Pastor
Blackwell	Hefley	Payne (NJ)
Blute	Hinchey	Pelosi
Boehlert	Hoagland	Penny
Bonior	Hochbrueckner	Peterson (FL)
Borski	Horn	Petri
Brown (CA)	Houghton	Pickett
Brown (FL)	Hoyer	Pickle
Brown (OH)	Huffington	Pomeroy
Bryant	Hughes	Porter
Byrne	Hutto	Portman
Cantwell	Hyde	Price (NC)
Cardin	Jacobs	Ramstad
Castle	Jefferson	Rangel
Chapman	Johnson (CT)	Reed
Clay	Johnson (GA)	Regula
Clayton	Johnson (SD)	Reynolds
Clement	Johnson, E. B.	Roemer
Clinger	Johnston	Rohrabacher
Collins (IL)	Kaptur	Ros-Lehtinen
Collins (MI)	Kennedy	Rose
Condit	Kennelly	Rostenkowski
Conyers	Kildee	Roukema
Cooper	King	Roybal-Allard
Coppersmith	Kleczka	Royce
Cox	Klein	Rush
Coyne	Klink	Sabo
Darden	Klug	Sanders
de la Garza	Kolbe	Sangmeister
de Lugo (VI)	Kreidler	Sawyer
Deal	LaFalce	Saxton
DeFazio	Lambert	Schenk
DeLauro	Lantos	Schiff
Dellums	Lazio	Schroeder
Derrick	Leach	Schumer
Deutsch	Lehman	Scott
Diaz-Balart	Levin	Sensenbrenner
Dicks	Levy	Serrano
Dixon	Lewis (GA)	Sharp
Dooley	Lipinski	Shays
Duncan	Lloyd	Shepherd
Dunn	Long	Skaggs
Durbin	Lowey	Slattery
Edwards (CA)	Machtley	Slaughter
Edwards (TX)	Maloney	Smith (IA)
Engel	Mann	Smith (MI)
English (AZ)	Manton	Smith (NJ)
Eshoo	Margolies-Mezvinsky	Spratt
Evans	Markey	Stark
Farr	Matsui	Stokes
Fawell	Mazzoli	Studds
Fazio	McCloskey	Swett
Fields (LA)	McCurdy	Synar
Filner	McDade	Taylor (NC)
Fingerhut	McDermott	Thompson
Fish	McHale	Torkildsen
Flake	McKeon	Torres
Foglietta	McKinney	Torricelli
Ford (MI)	McMillan	Towns
Ford (TN)	Meehan	Traficant
Fowler	Meek	Tucker
Frank (MA)	Menendez	Upton
Franks (NJ)	Meyers	Valentine
Furse	Mfume	Velazquez
Gallo	Miller (CA)	Vento
Gejdenson	Miller (FL)	Visclosky
Gephardt	Mineta	Walsh
Gibbons	Mink	Washington
Gilchrest	Molinari	Watt
Gilman	Moran	Waxman
Glickman	Morella	Wheat
Gonzalez	Nadler	Wolf
Gordon	Neal (MA)	Woolsey
Goss	Norton (DC)	Wyden
Grandy	Nussle	Wynn
Greenwood	Obey	Yates
Gutierrez	Olver	Young (FL)
Hall (OH)		Zimmer

NOT VOTING—6

Faleomavaega (AS)	Murphy	Underwood (GU)
Moakley	Romero-Barcelo (PR)	Waters

□ 1559

Messrs. PETRI, NEAL of Massachusetts, ORTIZ, AND HALL of Texas changed their vote from "aye" to "no."

Mr. WILLIAMS and Mr. CANADY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Chairman, on rollcall 560 I am recorded as not voting. Had I been present, I would have voted "no."

I ask that my statement appears in the RECORD immediately following the vote.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1600

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm, pursuant to House Resolution 302, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as modified, as amended, adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the so-called Ramstad amendment and also on the so-called Gekas amendment.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: In paragraph (6) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, add at the end the following:

"(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reasons for the determination, the officer shall provide such reasons to the individual within 20 business days after receipt of the request.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 425, noes 4, not voting 4, as follows:

[Roll No. 561]

AYES—425

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bellenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Billirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Kennelly
Moran
Nadler
Schenk

NOT VOTING—4

McCurdy
Moakley
Murphy
Payne (NJ)

□ 1618

Mr. PALLONE changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SCHENK. Mr. Speaker, today, during rollcall vote 561, I inadvertently voted "no" on the Ramstad amendment to H.R. 1025. During consideration of the same amendment in the Committee of the Whole, I voted "aye" and intended to vote "aye" in the whole House.

PERSONAL EXPLANATION

Mrs. KENNELLY. Mr. Speaker, during consideration of the Brady bill I

voted "no" on the Ramstad Amendment when it was revoted in the House on rollcall 561. I meant to vote "yes" on the amendment, as I did during consideration in the Committee of the Whole.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the second amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: In paragraph (1) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike "the Attorney General" and all that follows through "section)," and insert "is 60 months after such date of enactment".

In paragraph (1)(D) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike ", except" and all that follows through "Act".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, insert "is 30 days after" before "the Attorney".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "certifies under section 3(b)(1)" and insert "notifies licensees under section 3(e)".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(except as provided in paragraphs (2) and (3) of such section)".

In paragraph (1)(B) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(B)" and all that follows through "firearm" and insert the following:

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 1 business day (as defined in subsection (s)(8)(B)) has elapsed since the end of the business day on which the licensee contacted the system, and the system has not notified the licensee that the receipt of the handgun".

In section 3(a) of the Committee amendment, strike "The" and insert "Not later than 60 months after the date of the enactment of this Act, the".

In section 3(c) of the Committee amendment—

(1) strike "(1)";

(2) Strike "(A) determine" and insert "(1) determine";

(3) strike "(B) investigate" and insert "(2) investigate";

(4) strike "(C) notify" and insert "(3) notify";

(5) strike "subparagraphs (A) and (B)" and insert "paragraphs (1) and (2)"; and

(6) strike paragraph (2).

In section 3 of the Committee amendment, strike subsection (d) and insert the following:

(d) OPERATION OF THE SYSTEM.—

(1) GENERAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer, the system shall, during the contact or by return contact without delay—

(A) review available criminal history records to determine whether receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law; and

(B)(i) if the receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the identification number; and

(III) immediately destroy all records of the system with respect to the contact (other than the identification number and the date the number was assigned) and all records of the system relating to the transferee or the transfer or derived therefrom; or

(ii) if the receipt would be such a violation—

(I) notify the licensee that the receipt would be such a violation; and

(II) maintain the records created by the system with respect to the proposed transfer.

(2) SPECIAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer and the system is unable to comply with paragraph (1) during the contact or by return contact without delay, then the system shall comply with paragraph (1) not later than the end of the next business day.

In section 4(a) of the Committee amendment—

(1) strike all that precedes "Section 509(b)" and insert "(a) USE OF FORMULA GRANTS.—"

(2) strike "(A) in" and insert "(1) in";

(3) strike "(B) in" and insert "(2) in";

(4) strike "(C) by" and insert "(3) by";

(5) strike "(2) ADDITIONAL FUNDING" and insert "(b) ADDITIONAL FUNDING";

(6) strike "(A) GRANTS" and insert "(1) GRANTS";

(7) strike "(i)" and insert "(A)";

(8) strike "(ii)" and insert "(B)";

(9) strike "(iii)" and insert "(C)";

(10) strike "(B) AUTHORIZATION" and insert "(2) AUTHORIZATION"; and

(11) strike "subparagraph (A)" and insert "paragraph (1)"

In section 4 of the Committee amendment, strike subsection (b).

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 192, not voting 3, as follows:

[Roll No. 562]

AYES—238

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Chapman
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLay
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fields (TX)
Fish
Franks (CT)
Frost
Gallegly
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kopetski
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Long
Machtley
Manzullo
Martinez
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McNulty
Mica
Michel
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Rahall
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Rose
Roth
Rowland
Royce
Sanders
Santorum
Sarpalius
Schaefer
Schiff
Sharp
Shaw
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Tucker
Unsoeld
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Young (AK)
Zeliff
Zimmer

NOES—192

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Blackwell
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Grandy
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hyde
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kreidler
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)

Lipinski	Pallone	Skaggs
Lowey	Pastor	Slattery
Maloney	Payne (NJ)	Slaughter
Mann	Pelosi	Smith (IA)
Manton	Penny	Smith (NJ)
Margolies-Mezvinsky	Peterson (FL)	Stark
	Pickett	Stokes
Markey	Pickle	Studds
Matsui	Porter	Synar
Mazzoli	Price (NC)	Thomas (CA)
McCloskey	Quinn	Thompson
McDade	Rangel	Torres
McDermott	Reed	Torricelli
McHale	Reynolds	Towns
McKinney	Roemer	Upton
McMillan	Ros-Lehtinen	Velazquez
Meehan	Rostenkowski	Vento
Meek	Roukema	Visclosky
Menendez	Roybal-Allard	Washington
Meyers	Rush	Waters
Mfume	Sabo	Watt
Miller (CA)	Sangmeister	Waxman
Mineta	Sawyer	Wheat
Mink	Saxton	Williams
Molinari	Schenk	Wolf
Moran	Schroeder	Woolsey
Morella	Schumer	Wyden
Nadler	Scott	Wynn
Neal (MA)	Sensenbrenner	Yates
Olver	Serrano	Young (FL)
Owens	Shays	
Oxley	Shepherd	

NOT VOTING—3

Moakley	Murphy	Shuster

□ 1626

Mr. HALL of Texas and Mr. MOLLOHAN changed their vote from "no" to "aye."

Mr. MINETA changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHIFF. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCHIFF moves to recommit the bill, H.R. 1025, to the Committee on the Judiciary with instructions to report the same to the House with such amendments as may be necessary to—

(1) eliminate the requirement that a State or local official conduct a background check of a prospective handgun transferee; or

(2) ensure that the costs of such background checks (as determined by the Attorney General of the United States) are fully funded by the Federal Government.

Mr. SCHIFF (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New Mexico [Mr. SCHIFF] is recognized for 5 minutes in support of his motion to recommit.

Mr. SCHIFF. Mr. Speaker, I will be brief.

In rejecting the McCollum amendment a few minutes ago, we made a resounding statement in favor of State and local government prerogatives to pass gun laws that they think are appropriate for their locations. I agree with that decision.

My motion to recommit, if adopted, would further that very same policy. The bill, as written now, is an unfunded mandate on local police and local sheriffs, unlike H.R. 7, the predecessor bill in the last Congress, which did not make a requirement upon chief law enforcement officers.

□ 1630

Mr. Speaker, the bill as written now, H.R. 1025, imposes an unfunded mandate on local government. This did not occur under the predecessor bill, H.R. 7, which made no requirement to chief law enforcement officers that they take any kind of action.

The motion to recommit I have offered directs the Committee on the Judiciary to remove the unfunded mandate by either removing the requirement now in the bill that chiefs of police and sheriffs take action, or requires that the Federal Government fund the action that we are ordering them to take. Either solution will solve this problem.

Mr. Speaker, I want to conclude by saying that although we do have an authorization of funds in this bill, that is for the instant check and the computer records upgrade. There is no authorization of funding to do a personal background check, but that is what we are ordering the local police and sheriffs to do. If we are for State prerogatives, which we have just voted to support in rejecting the McCollum amendment, and if we are against unfunded mandates, which most of us have stated, I ask for adoption of this motion.

The SPEAKER pro tempore (Mr. MURTHA). Does the gentleman from Texas [Mr. BROOKS] wish to be heard on the motion to recommit?

Mr. BROOKS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for five minutes in opposition to the motion to recommit.

Mr. BROOKS. Mr. Speaker, I am opposed to the motion to recommit. Despite the tremendous effort of my good friend, the gentleman from New Mexico [Mr. SCHIFF], I would oppose the motion to recommit. I do not think we need to send that bill back to the Committee on the Judiciary, not this year, anyhow.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, this is the first time my beloved chairman, the gentleman from Texas [Mr. BROOKS] and I have agreed on an issue today, but I also oppose the motion to recommit, and in the interest of time I will not elaborate.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHIFF. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair announces that the vote on final passage will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—yeas 200, nays 229, not voting 4, as follows:

[Roll No. 563]

AYES—200

Allard	Duncan	Laughlin
Applegate	Dunn	Levy
Archer	Emerson	Lewis (CA)
Armey	English (OK)	Lewis (FL)
Bachus (AL)	Everett	Lightfoot
Baker (CA)	Ewing	Linder
Baker (LA)	Fields (TX)	Livingston
Ballenger	Fish	Lloyd
Barca	Fowler	Manzullo
Barcia	Franks (CT)	Martinez
Barlow	Frost	McCollum
Barrett (NE)	Gallegly	McCrery
Bartlett	Gekas	McCurdy
Barton	Geren	McDade
Bereuter	Gillmor	McHugh
Bevill	Gingrich	McInnis
Bilbray	Goodlatte	McKeon
Bilirakis	Goodling	McMillan
Bliley	Goss	McNulty
Blute	Grams	Mica
Boehner	Grandy	Michel
Bonilla	Gunderson	Miller (FL)
Boucher	Hall (TX)	Minge
Brewster	Hancock	Mollohan
Browder	Hansen	Montgomery
Bunning	Hastert	Moorhead
Burton	Hayes	Myers
Callahan	Hefley	Natcher
Calvert	Herger	Neal (NC)
Camp	Hobson	Nussle
Canady	Hoekstra	Ortiz
Carr	Hoke	Orton
Clement	Holden	Packard
Clinger	Houghton	Parker
Coble	Hunter	Paxon
Collins (GA)	Hutchinson	Payne (VA)
Combest	Hutto	Peterson (MN)
Condit	Inglis	Pickett
Costello	Inhofe	Pombo
Cox	Istook	Pomeroy
Cramer	Johnson, Sam	Portman
Crane	Kasich	Poshard
Crapo	Kim	Pryce (OH)
Cunningham	King	Quillen
Danner	Kingston	Quinn
de la Garza	Klink	Rahall
Deal	Knollenberg	Ravenel
DeLay	Kolbe	Regula
Dickey	Kopetski	Richardson
Doolittle	Kyl	Ridge
Dornan	Lancaster	Roberts
Dreier	LaRocco	Rogers

Rohrabacher
Roth
Rowland
Royce
Santorum
Sarpalius
Schaefer
Schiff
Shaw
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Weldon
Williams
Wilson
Wise
Young (AK)
Zeliff

NOES—229

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Berman
Bishop
Blackwell
Boehlert
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hughes
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kreidler
LaFalce
Lambert
Lantos
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Molinari
Moran
Morella
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Petri
Pickle
Porter
Price (NC)
Ramstad
Rangel
Reed
Reynolds
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOT VOTING—4

McCandless
Moakley
Murphy
Shuster

□ 1648

Mr. LANCASTER changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 189, not voting 6, as follows:

[Roll No. 564]

YEAS—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bilirakis
Blackwell
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Horn
Hoyer
Huffington
Hughes
Hutto
Hyde
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kreidler
LaFalce
Lancaster
Lantos
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Olver
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Pickle
Porter
Price (NC)
Quinn
Ramstad
Rangel
Reed
Regula
Reynolds
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Spratt
Stark
Stearns
Stokes
Studds
Swett
Swift
Synar
Thomas (CA)
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—189

Allard
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bevill
Bilbray
Bishop
Bliley
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Clinger
Coble
Coleman
Collins (GA)
Combest
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
DeLay
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fields (TX)
Franks (CT)
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Grams
Grandy
Green
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hilliard
Hobson
Hoke
Holden
Houghton
Hunter
Hutchinson
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kyl
Lambert
LaRocco
Laughlin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Rahall
Ravenel
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Roth
Royce
Sanders
Santorum
Sarpalius
Schaefer
Schiff
Sisisky
Skeen
Skelton
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stenholm
Strickland
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thornton
Thurman
Unsoeld
Volkmer
Vucanovich
Walker
Whitten
Williams
Wilson
Wise
Young (AK)
Zeliff

NOT VOTING—6

Deal
Kopetski
McCandless
Moakley
Murphy
Shuster

□ 1655

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Murphy against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KOPETSKI. Madam Speaker, I was unavoidably detained, I was meeting with some officials from Oregon State University, and missed rollcall vote No. 564.

Had I been present, I would have voted against passage of the measure, H.R. 1025.

PERSONAL EXPLANATION

Mr. DEAL. Madam Speaker, I was unavoidably called off the floor during rollcall vote No. 564. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mrs. BENTLEY. Madam Speaker, it has come to my attention that on final passage, rollcall No. 564, the Brady bill today, my vote was incorrectly recorded. I voted "aye", but the printed rollcall listed me as a "no" vote. I favor the bill, have voted for it in the past, and I ask that my statement in support of the Brady bill appear in the RECORD.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 2401) 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.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 103-351) waiving points of order against the conference report to accompany the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 306) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 306

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Foreign Affairs: Luis V. Gutierrez, Illinois.

Committee on Science, Space, and Technology: Bobby L. Rush, Illinois.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONTINUATION OF SERVICE AS CHAIRMAN AND MEMBER, RESPECTIVELY, OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. HOYER. Mr. Speaker, I ask unanimous consent, that notwithstanding the provisions of clause 1(C) of rule XLVIII, Representative GLICKMAN of Kansas and Representative RICHARDSON of New Mexico may continue to serve as chairman and member, respectively, of the Permanent Select Committee on Intelligence for the remainder of the 103d Congress.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Michele Payer, one of his secretaries.

LEGISLATIVE CALENDAR

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

Mr. MICHEL. Mr. Speaker, I requested this 1-minute in order that I might inquire of the distinguished chairman of the Democratic caucus, the gentleman from Maryland [Mr. HOYER], what we have in store for us next week.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman, my friend, for yielding, our distinguished minority leader.

As the minority leader knows, we will be attempting to adjourn for the district work period through December on November 22. Therefore, next week will be a very busy week. We will be going in on Monday, we do not expect any votes until 4 p.m. We will not have votes until 4 p.m. There are 21 bills on suspension:

H.R. —, to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996;

H.R. 3318, Federal Employees Clean Air Incentives Act;

H.R. 2884, School-to-Work Opportunities Act of 1993;

H.R. 3186, Arceneaux Courthouse;

H.R. 3356, Edwin Ford Hunter Courthouse;

H.R. 2868, John Minor Wisdom Courthouse;

H.R. 2559, Richard Bolling Federal Building;

H.R. 881, Smoking ban;

H.R. 3445, Hazard Mitigation and Flood Damage Reduction Act of 1993;

H.R. 2121, Negotiated Rates Act of 1993;

H.R. 3460, Hazardous Materials Transportation Act;

H.R. 3321, Low Income Home Energy Assistance Program;

S. 433, To convey certain lands in Cameron Parish, LA, and for other purposes;

H.R. 3286, To amend the act establishing Golden Gate National Recreation Area;

H.R. 2620, BLM expansion of Gene Chappie Shasta OHV Area;

H.R. 1137, Old Faithful Protection Act of 1993;

S.J. Res. 19, To acknowledge the 100th anniversary of the 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to native Hawaiians on behalf of the United States;

H.R. 1425, American Indian Agricultural Resources Management Act;

H.R. 3313, Veterans Health Improvements Act of 1993;

H.R. 3456, Surviving Spouses' Benefits Act of 1993; and

H.R. 3000, the Friendship With Russia, Ukraine and Other New Independent States Act.

Let me say that we will go in at noon on Monday and consider those suspensions, but there will be no votes before 4.

There is also, in addition to the suspensions on Monday, H.R. 2401, the Defense authorization conference report, will be on the floor.

Mr. MICHEL. Did I hear the gentleman say we would not expect any rollcalls until after 4?

Mr. HOYER. The gentleman is correct.

Mr. MICHEL. On Monday.

Mr. HOYER. That is correct, 4 or later.

On Tuesday and the balance of the week we will have a number of pieces of legislation: The Mineral Exploration and Development Act, subject to a rule; Department of Environmental Protection Act, subject to a rule; the North American Free-Trade Agreement, subject to a rule; the Freedom of Access to Clinic Entrances Act of 1993, subject to a rule; reinventing Government, the REGO legislation; as well as the legislation out of the Appropriations Committee on rescissions; the campaign finance reform bill we expect to have on the floor, the lobbying reform, and all of these subject to rules; and the unemployment compensation program extension conference report, which resulted from the vote we had this week.

□ 1700

I would say to my distinguished friend that we expect to be meeting on Saturday and Sunday to provide for us getting out on the 22d, because our load is heavy.

We probably will go in at 12 o'clock on Saturday and 2 on Sunday, although that has not been set and is subject to further discussion, but probably those are the times.

Mr. MICHEL. Mr. Speaker, I think I heard from the other body a suggestion of the 23d for their getaway day. Does that put us on notice that we are striving for the 22d, but we may have to be here the 23d?

Mr. HOYER. The minority leader has had more experience than I in that and probably is more correct in that than I would like to be, but I think the gentleman is correct. I think Members would be well advised to make sure that their schedules are not taken up on the 23d because obviously with this heavy agenda of those items on our calendar to complete, the 23d may well be a possibility.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, November 17, 1993.

The SPEAKER pro tempore (Ms. SLAUGHTER). Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDING FOOD STAMP ACT OF 1977 TO ENSURE ADEQUATE ACCESS TO RETAIL FOOD STORES BY FOOD STAMP RECIPIENTS

Mr. STENHOLM. Madam Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3436) to amend the Food Stamp Act of 1977 to ensure adequate access to retail stores by recipients of food stamps and to maintain the integrity of the Food Stamp Program.

The Clerk read the title of the bill.

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

Mr. ROBERTS. Reserving the right to object, Madam Speaker, I shall not object. I rise in support of the bill, H.R. 3436, and I yield to the distinguished gentleman from Texas to explain to the House the nature of the bill.

Mr. STENHOLM. Madam Speaker, H.R. 3436 has two important objectives. First, this bill will ensure that food stamp recipients continue to have adequate access to a variety of retail stores to acquire nutritious food. It will do so by correcting an unintended situation which threatens to eliminate the authorization for thousands of small retail stores to accept food stamps for food purchase.

Second, the bill provides additional authority to the Secretary to enhance the Department's efforts at reducing fraud and abuse in the Food Stamp Program.

Let me briefly explain the circumstances that led to the Agriculture Committee's interest in these issues and the drafting of the legislation before us.

Last winter the Food and Nutrition Service [FNS] of the U.S. Department of Agriculture began its process of reauthorizing food stamp retailers. During that reauthorization process, FNS decided that a number of small retailer establishments no longer meet the technical definition of retail food store in the Food Stamp Act, even though many have participated in the program for years.

USDA has informed the Committee on Agriculture that these stores will soon have their authorization to participate in the Food Stamp Program withdrawn.

This action threatens to deny ready access by food stamp households to food stores. This could create an acute problem in many rural areas and in inner cities where there are few supermarkets. H.R. 3436 will remedy this situation.

Currently, the Food Stamp Act requires that an eligible retail food store have over 50 percent of its food sales volume in staple foods.

H.R. 3436 would make a retail food store eligible to participate in the Food Stamp Program if it meets one or the other of the following conditions:

If the store has over 50 percent of its total sales volume, not simply its food sales volume, in staple foods, or;

If the store offers, on a continuous basis, a variety of food in each of four categories of staple foods, and sells perishable foods in at least two of these categories of staple foods.

Either of these requirements will ensure that only those stores which sell a significant number of staple foods will be eligible to participate. The bill defines staple food categories as: meat, poultry, and fish; bread or cereals; vegetables or fruits; and dairy products.

H.R. 3436 does not change the current prohibition on the participation of certain types of stores, such as those that sell only accessory foods, including spices, candy, soft drinks, tea or coffee, ice cream vendors, and doughnut shops.

The bill also amends the Food Stamp Act to strengthen the authority of the Secretary to maintain program integrity. It would permit the use and disclosure of information provided by retail food stores and wholesale food concerns to law enforcement and investigate agencies investigating abuses of the Food Stamp Act or other Federal or State laws.

The bill imposes penalties on those who publish, divulge, or disclose to any of the information obtained in such an investigation if not authorized by Federal law.

Finally, H.R. 3436 requires that the Secretary use up to $4 million for specific kinds of demonstration projects. This funding is provided only to help State or local food stamp agencies test new ideas for working with State or local law enforcement agencies to investigate and prosecute street food stamp trafficking. Trafficking in food stamps has always been prohibited by the Food Stamp Act.

The Congressional Budget Office [CBO] indicates sections 1, 2, 3, and 5 of H.R. 3436 have insignificant costs. Section 4, which authorizes up to $4 million for demonstration projects to test activities directed at street trafficking in coupons, is subject to appropriations.

This legislation was supported in the Committee on Agriculture by both sides of the aisle. In addition, it is supported by the administration. I urge its immediate adoption.

Mr. ROBERTS. Madam Speaker, I rise in support of H.R. 3436, a bill to amend the Food Stamp Act. To redefine which retail food stores can accept food stamp coupons. Additionally H.R. 3436 will strengthen the enforcement of this provision; allow information provided by retail food stores to be shared with law enforcement officials; and, require that the Secretary spend up to $4 million on pilot projects designed to improve the investigation and prosecution of food stamp trafficking.

The 1990 farm bill authorized the U.S. Department of Agriculture to conduct

periodic reauthorizations of retail food stores. In 1992, USDA proposed to remove several hundred stores, primarily convenience food stores, that did not meet the qualifications included in the Food Stamp Act. This action was subsequently rescinded this year by the Secretary of Agriculture and he recommended that Congress revise the definition of a retail food store for the Food Stamp Program.

Several retail food stores in Kansas advised me of the need to change this definition in order to move away from only a sales-based test and take into account the variety of staple foods sold in convenience food stores.

I believe it is essential, to protect the integrity of the Food Stamp Program, that any new definition of a retail food store adheres to the purposes of the Food Stamp Act and provides for improved levels of nutrition for needy families. Only stores that are primarily food stores should be authorized to accept food stamp coupons. Additionally, USDA must exercise its responsibility to ensure that only those stores meeting the requirements of the act can participate in the Food Stamp Program.

H.R. 3436 meets those tests.

The bill requires that in order to accept food stamps, a retail food store must either: offer for sale, on a continuous basis, a variety of foods in each of four staple food categories—meat, poultry, or fish; bread or cereals; vegetables or fruits; and dairy products; or, have over 50 percent of its total sales in staple foods. The current definition requires that stores have over 50 percent of food sales in staple foods.

The bill also requires the Secretary to issue regulations providing for periodic reauthorization of stores and requires periodic notice regarding the definition of retail food stores, staple foods, eligible foods, and perishable foods. Also, the bill allows the use and disclosure to State and Federal law enforcement officials of information provided by stores for the purpose of administering and enforcing the provisions of the Food Stamp Act or other Federal or State laws. Penalties are established for those misusing any of this information.

That provision was a part of the Food Stamp Anti-Fraud Act, H.R. 1887, introduced here in the House by Congressman EWING and by Senator MCCONNELL in the Senate. I am pleased that this provision has been included in the bill being considered today.

Finally, the bill requires the Secretary to use up to $4 million of demonstration project funds to test innovative ideas to investigate and prosecute trafficking in food stamps by recipients, buyers, and retail food stores.

The administration supports enactment of H.R. 3436 and States there is no budgetary impact due to the changes in the retail food store definition. CBO estimates that the direct cost of H.R. 3436 is less than $500,000.

Madam Speaker, I urge support for H.R. 3436.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FOOD STAMP ACT DEFINITIONS.

Effective on the date of enactment of this Act, section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by—

(1) amending clause (1) of subsection (k) to read as follows:

"(1) an establishment or house-to-house trade route which sells food for home preparation and consumption and (A) offers for sale on a continuous basis a variety of foods in each of the four categories of staple foods as defined in subsection (u), including perishable foods in at least two such categories, or (B) has over 50 percent of its total sales in staple foods as defined in subsection (u) of this section, as determined by visual inspection, sales records, purchase records, counting of stock keeping units, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry,";

(2) adding the following new sentence at the end of subsection (k): "An establishment or house-to-house trade route that is authorized at the time of implementation of clause (1) may be considered to meet this definition until its periodic reauthorization or until such time as the eligibility of the firm for continued participation in the food stamp program is evaluated for any reason."; and

(3) adding a new subsection (u) at the end thereof to read as follows:

"(u) 'Staple foods' means foods in the following categories: (1) meat, poultry, or fish; (2) bread or cereals; (3) vegetables or fruits; and (4) dairy products; but does not include accessory food items such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments and spices.".

SEC. 2. PERIODIC NOTICE.

Section 9(a)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2018(a)(2)) is amended to read as follows:

"(2) The Secretary shall issue regulations providing for a periodic reauthorization of retail food store and wholesale food concerns, and providing for periodic notice to participating retail food stores and wholesale food concerns of the definitions of 'retail food store', 'staple foods', 'eligible foods', and 'perishable foods'."

SEC. 3. USE AND DISCLOSURE OF INFORMATION PROVIDED BY RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended—

(1) in the second sentence by inserting after "disclosed to and used by" the following: "Federal law enforcement and investigative agencies and law enforcement and investigative agencies of a State government for the purposes of administering or enforcing the provisions of this Act or any other Federal or State law and the regulations issued under this Act or such law, and";

(2) by inserting after the second sentence the following: "An officer or employee of an agency described in the preceding sentence who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by Federal law any information obtained under the authority granted by this subsection shall be subject to section 1905 of title 18 of the United States Code."; and

(3) in the last sentence by striking "Such purposes shall not exclude" and inserting the following: "Such regulations shall establish the criteria to be used by the Secretary to determine that such information is needed. Such regulations shall not prohibit".

SEC. 4. DEMONSTRATION PROJECTS TESTING ACTIVITIES DIRECTED AT STREET TRAFFICKING IN COUPONS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding a new subsection (1) at the end thereof as follows—

"(1) The Secretary shall use up to $4 million of funds provided in advance in appropriations Acts for projects authorized by this section to conduct projects in which State or local food stamp agencies test innovative ideas for working with State or local law enforcement agencies to investigate and prosecute coupon street trafficking by recipients, buyers, and authorized retail food stores.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FOOD STAMP ACT DEFINITIONS.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by—

(1) amending clause (1) of subsection (k) to read as follows: "(1) an establishment or house-to-house trade route that sells food for home preparation and consumption and (A) offers for sale on a continuous basis a variety of foods in each of the four categories of staple foods as defined in subsection (u), including perishable foods in at least two such categories, or (B) has over 50 percent of its total sales in staple foods, as determined by visual inspection, sales records, purchase records, counting of stock keeping units, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry,";

(2) adding a new subsection (u) at the end thereof to read as follows—

"(u) 'Staple foods' means foods in the following categories: (1) meat, poultry, or fish; (2) bread or cereals; (3) vegetables or fruits; and (4) dairy products. Staple foods do not include accessory food items such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices.".

SEC. 2. PERIODIC NOTICE.

Section 9(a)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2018(a)(2)) is amended to read as follows:

"(2) The Secretary shall issue regulations providing for a periodic reauthorization of retail food stores and wholesale food concerns, and providing for periodic notice to participating retail food stores and wholesale food concerns of the definitions of 'retail food store', 'staple foods', 'eligible foods', and 'perishable foods'."/

SEC. 3. USE AND DISCLOSURE OF INFORMATION PROVIDED BY RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended—

(1) in the second sentence by inserting after "disclosed to and used by" the following: "(1) Federal law enforcement and investigative agencies and law enforcement and investigative agencies of a State government for the purposes of administering or enforcing the provisions of this Act or any other Federal or State law and the regulations issued under this Act or such law, and (2)";

(2) by inserting after the second sentence the following: "Any person who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by Federal law, or the regulations issued under this Act, any information obtained under this subsection shall be fined not more than $1,000, or imprisoned not more than one year, or both."; and

(3) in the last sentence by striking "Such purposes shall not exclude" and inserting the following: "Such regulations shall establish the criteria to be used by the Secretary to determine that such information is needed. Such regulations shall not prohibit".

SEC. 4. DEMONSTRATION PROJECTS TESTING ACTIVITIES DIRECTED AT TRAFFICKING IN COUPONS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding a new subsection (l) at the end thereof as follows:

"(l) The Secretary shall use up to $4,000,000 of the funds provided in advance in appropriations Acts for projects authorized by this section to conduct demonstration projects in which State or local food stamp agencies test innovative ideas for working with State or local law enforcement agencies to investigate and prosecute coupon trafficking by recipients, buyers, and retail food stores.".

SEC. 5. CONTINUING ELIGIBILITY.

An establishment or house-to-house trade route that is otherwise authorized to accept and redeem coupons under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) at the time of enactment of this Act shall be considered to meet the definition of "retail food store" in section 3(k) of the Food Stamp Act of 1977, as amended by section 1 of this Act, until its periodic reauthorization or until such time as the eligibility of the establishment or house-to-house trade route for continued participation in the food stamp program is evaluated for any reason.

Mr. STENHOLM (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STENHOLM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3436, the bill just passed.

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

There was no objection.

GEOGRAPHY AWARENESS WEEK

Mr. WYNN. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 131) designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week" and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. ROBERTS. Madam Speaker, reserving the right to object, I will not object, but I should simply like to inform the House that the minority has no objection to the legislation now being considered.

I am delighted to yield to the distinguished gentleman from Maryland to further explain anything that he would like in regard to the bill, if he would so choose.

Mr. WYNN. Madam Speaker, I thank the gentleman from Kansas.

Mr. KILDEE. Madam Speaker, I rise today in support of House Joint Resolution 197, legislation designating the week of November 14, 1993, and November 13, 1994, as "Geography Awareness Week." As a former schoolteacher, and as the chairman of the Subcommittee on Elementary, Secondary, and Vocational Education, I realize the great need for geography education for American students. Madam Speaker, the need for geographic knowledge was identified by the national goals for education as one of the core subjects in which American students should demonstrate competency. This need has also been highlighted in a 1988 study that found Americans between the ages of 18 and 24-years-old ranked last in an international comparison of geographic knowledge, and American adults of all ages scored among the bottom third. In addition, 3 in 4 Americans surveyed—132 million Americans in all—could not locate the Persian Gulf on a map, and 1 in 4 could not identify the Pacific Ocean. Madam Speaker, this news alarms me because our young people must have knowledge of other lands and other cultures if we are to compete effectively in a global economy.

Geography Awareness Week will serve as one way to emphasize and stress the importance of geographic knowledge so that today's students, and America's future leaders, will be prepared to compete in the international marketplace. Now more than ever, we must continue to support such efforts to ensure that our children grow up to be geographically literate.

Madam Speaker, I am pleased that a majority of my colleagues have joined me in supporting this bill, and I urge the House to adopt this bill.

Mr. ROBERTS. Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 131

Whereas geography is the study of people and their planet, offering a framework for understanding ourselves, our interdependence with other peoples, our relationship to the Earth, and world events;

Whereas the United States has both worldwide involvements and influence that demand an understanding of geography, different cultures, and foreign languages;

Whereas a thorough knowledge of geography, different cultures, and foreign languages is essential to maintain the Nation's stature in the international community in matters of business, politics, the environment, and global events;

Whereas a geographic perspective is needed to understand the relationship between human activity and the condition of our planet in this time of increasing environmental problems;

Whereas our Nation's Governors, in their National Education Goals, explicitly identified geography along with English, mathematics, science, and history as the 5 core subjects in which American students should demonstrate competency;

Whereas world standards are being developed as benchmarks for student performance in each of the core subject identified in the National Education Goals; and

Whereas a knowledge of world geography is essential for citizens of the United States to assume a responsible role in the future of an increasingly interconnected and interdependent world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 14, 1993, and the week beginning November 13, 1994, each be designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 131, the Senate joint resolution just passed.

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

There was no objection.

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-164)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read, and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on May 14, 1993, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report covers events through October 1, 1993. The last report, dated May 14, 1993, covered events through March 31, 1993.

1. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560, or to the Iranian Assets Control Regulations, 31 CFR Part 535, since the last report.

2. The Office of Foreign Assets Control (FAC) of the Department of the Treasury continues to process applications for import licenses under the Iranian Transactions Regulations.

During the reporting period, the U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the Iranian Transactions Regulations. Office of Foreign Assets Control and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Additional forfeiture and civil penalty actions are under review.

3. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered two awards, both in favor of U.S. claimants. Including these decisions, the total number of awards has reached 547, of which 369 have been awards in favor of American claimants. Two hundred twenty-two of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 147 were decisions adjudicated on the merits. The Tribunal has issued 36 decisions dismissing claims on the merits and 83 decisions dismissing claims for jurisdictional reasons. Of the 59 remaining awards, 3 approved the withdrawal of cases and 56 were in favor of Iranian claimants. As of September 30, 1993, the value of awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $2,351,986,709.40.

The Security Account has fallen below the required balance of $500 million almost 50 times. Iran has periodically replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. The aggregate amount that has been transferred from the Interest Account to the Security Account is $874,472,986.47. Iran has also replenished the account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC. Iran has not, however, replenished the account since the last oil sale deposit on October 8, 1992, although the balance fell below $500 million on November 5, 1992. As of September 28, 1993, the total amount in the Security Account was $213,507,574.15 and the total amount in the Interest Account was $5,647,476.98.

Iran also failed to make scheduled payments for Tribunal expenses on April 13 and July 15, 1993. The United States filed a new case (designated A/28) before the Tribunal on September 29, 1993, asking that the Tribunal order Iran to make its payment for Tribunal expenses and to replenish the Security Account.

4. The Department of State continues to present other United States Government claims against Iran, in coordination with concerned Government agencies, and to respond to claims brought against the United States by Iran. In June and August of this year, the United States filed 2 briefs and more than 350 volumes of supporting evidence in Case B/1 (claims 1 and 2), Iran's claim against the United States for damages relating to the U.S. Foreign Military Sales Program. On September 29, the United States submitted a brief for filing in all three Chambers of the Tribunal concerning the Tribunal's jurisdiction over the claims of dual nationals who have demonstrated dominant and effective U.S. nationality. In addition, the Tribunal issued an order accepting the U.S. view that Iran has to support all aspects of its claim in Case A/11, in which Iran claims the United States has breached its obligations under the Algiers Accords, rather than to ask the Tribunal to first decide "interpretative issues" separate from the merits of its case. In another case, the Tribunal declined Iran's request that it stay a case against Iran in U.S. courts for an alleged post-January 1981 expropriation, where the plaintiffs' case at the Tribunal had been dismissed.

5. As reported in November 1992, Jose Maria Ruda, President of the Tribunal, tendered his resignation on October 2, 1992. No successor has yet been named. Judge Ruda's resignation will take effect as soon as a successor becomes available to take up his duties.

6. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals for less than $250,000.00, the Foreign Claims Settlement Commission (FCSC) has continued its review of 3,112 claims. The FCSC has issued decisions in 1,568 claims, for total awards of more than $28 million. The FCSC expects to complete its adjudication of the remaining claims in early 1994.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 10, 1993.*

APPOINTMENT OF JOHN W. LAINHART IV AS INSPECTOR GENERAL FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to the provisions of section 2(b) of rule 6, the Speaker, majority leader, and minority leader jointly appoint Mr. John W. Lainhart IV to the position of inspector general for the U.S. House of Representatives effective November 14, 1993.

WEST POINT COIN

(Mr. FISH asked and was given permission to address the House for 1 minute.)

Mr. FISH. Madam Speaker, today I join my distinguished colleague from New York, Senator AL D'AMATO, in introducing legislation authorizing the minting of coins to commemorate the 200th anniversary of the founding of the U.S. Military Academy at West Point. I am very proud that 51 Members of the House have signed on as original cosponsors.

The bicentennial of West Point on March 16, 2002, will commemorate the Military Academy's two-century tradition of educating, training, and inspiring young men and women to serve our Nation in uniform. It will also celebrate the Academy's past, present, and future commitment to building the character, leadership, and intellectual foundation so essential to becoming officers in the U.S. Army, and leaders in government, industry, and the community.

Madam Speaker, West Point is truly a special place which inspires young people with "Duty, Honor, Country." I urge all my colleagues to join me in celebrating this 200-year tradition of excellence by cosponsoring the coin legislation I am introducing today.

□ 1710

GOP WELFARE PLAN

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, today my Republican colleagues are introducing a so-called welfare reform bill.

Madam Speaker, I differ from every other Member of this House, because I am the only Member of Congress who was a welfare mother. So, my opinions are not based on theory, they are based on real-life experience.

Madam Speaker, the Republican proposal takes a complicated, emotionally charged social problem and puts forward a simplistic and punitive solution.

The bill says that the two causes of welfare are illegitimacy and nonwork.

Madam Speaker, this concept is illegitimate and it will not work.

The real issue is how to make it possible for poor single parents—like I was 25 years ago to support their families.

This bill does nothing to address the real problem. It does not give families the tools to make themselves self-sufficient—no better child care, health care, child support, and no jobs creation.

Madam Speaker, I am drafting a real welfare reform bill—one that will ensure that people who play by the rules win, and that families are not punished for needing help.

NAFTA IS ENVIRONMENTAL DISASTA

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

Mr. FILNER. Madam Speaker, we have been told by the administration and supporters in the House of Representatives that NAFTA will be the vehicle to clean up the environmental mess which currently exists along the United States-Mexican border. Supposedly, billions of dollars will be dedicated to this task. The environmental side agreement is the panacea which will turn sewage into wine and toxic waste into ambrosia.

But as a Congressman who represents San Diego, CA—the biggest city on the United States-Mexican border—I can tell you first-hand that this NAFTA is a bad deal for the environment on both sides of the border. The side agreement provides no guarantees against the weakening of Federal or State environmental laws by our trading partners.

It does not address the serious impacts NAFTA will have on the conservation of natural resources—such as mining, timber, and agriculture. It does not safeguard laws which protect us against products produced in an environmentally destructive manner. It does nothing to solve the ongoing problem of U.S.-owned companies failing to return toxic wastes to the United States for proper treatment.

It does not provide one penny for infrastructure improvements. As a result, NAFTA will ensure greater exploitation of our natural resources with little, if any, true cleanup or conservation.

The environment simply cannot afford this NAFTA.

ASSOCIATION OF AMERICAN PHYSICIANS AND SURGEONS, ET AL., VERSUS HILLARY RODHAM CLINTON, ET AL.

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

Mr. DORNAN. Madam Speaker, the other night, Friday, I was coming back on a small turboprop-driven Army airplane from Fort Campbell where I had an opportunity to meet with the heroic young helicopter pilot Michael Durant who had been held prisoner for a week and a half in Somalia, and, as I landed at Andrews, I was told by the young lieutenant there that the First Lady was arriving in a few minutes alone on a C-20 Gulf Stream jet. Now I know that First Ladies cannot travel around the country commercially, but I did wonder to myself where Miss Hillary had been off to, probably on health care business.

So, this struck me. On the front page of today's newspaper a judge demands health panel's papers from the White House, and here is the language used in the legal document which I will put in the RECORD with this 1-minute. It is stunning. It talks about meritless, archaic, preposterous, egregious, thwarted, germane, and then it ends up saying that he is going to charge the First Lady legal fees if they stonewall the 511-member task force with no doctor on it and how they came to arrive at this strange health care plan.

[U.S. District Court for the District of Columbia, Civil Action No. 93-0399 (RCL)]

ASSOCIATION OF AMERICAN PHYSICIANS AND SURGEONS, INC., ET AL., PLAINTIFFS, VERSUS HILLARY RODHAM CLINTON, ET AL., DEFENDANTS.

MEMORANDUM AND ORDER

This matter comes before the court on plaintiffs' motion to compel answers to interrogatories and production of documents. The Court has carefully read each of defendants' responses, along with all memoranda in support of and in opposition to plaintiffs' motion. On October 20, 1993, counsel also presented oral arguments to the court.

The exception to the Federal Advisory Committee Act applying to each working group body must be on the basis that the group is composed wholly of full-time government employees. (Court of Appeals' slip op., p. 26). When the body (be it a sub-group or whatever) is asked to render advice or recommendations as a group, it is a Federal Advisory Committee Act advisory committee *unless* it is composed wholly of full-time government employees. (*Id.*, p. 29). This court's task is to inquire into:

1. The formality and structure of the working group and its sub-groups to determine if there are advisory committees within the working group, even if the working group itself is not an advisory committee.

2. The truth of the government's claim that all members of the working groups are full-time officers or employees of the government.

3. The status of the special government employees, where they came from, how many hours they worked, and whether they were full-time.

4. The status of the consultants—did each only come to a one-time meeting, or is his or her role functionally indistinguishable from other members of the group or subgroup. Any consultant who regularly attended and fully participated in meetings should be regarded as a member of that group or subgroup, and the consultant's status as a private citizen would then disqualify that group or sub-group from exempt status under the Federal Advisory Committee Act.

The Court of Appeals specifically cautioned that the Federal Advisory Committee Act cannot be avoided by simply appointing, for example, "10 private citizens as special government employees for two days, and then have the committee receive the section 3(2) exemption as a body composed of full-time government employees." (*Id.*, pp. 31-32).

Importantly, Circuit Judge Buckley, in this concurring opinion, noted the importance of the government's argument regarding compliance with ethics laws: "Mr. Magazine * * * took pains to stress the fact that every member of and consultant to the group—whether a regular or special government employee, whether working full time or part, for pay or without—was required to file a financial disclosure statement and to comply with other requirements of these laws." (Court of Appeals slip op., Buckley, J. Concurring, at 11-12.) Discovery into the truth of Mr. Magaziner's affidavit on this point, then, also appears to be warranted.

Rule 26 must be liberally construed to allow discovery into any factural matter that is germane to any of the remaining legal issues in this case, and that may lead to the discovery of admissible evidence or may relate to circumstantial evidence.

Defendants have submitted meritless relevancy objections in almost all instances, and incomplete and inadequate responses in most instances, and plaintiff's motion to compel shall be granted as set forth herein.

The court rejects defendants' objection that because the current compliant has no specific allegation that "the interdepartmental working group, its cluster groups or subgroup or any other groups were subject to the FACA" plaintiffs are not entitled to seek discovery on these issues. The complaint can be amended to conform to the evidence discovered, and there is no basis at this late stage—on remand, after full briefing—to now raise an archaic technical pleading objection. After full discovery, the court will require an amended complaint to be filed that

conforms to the evidence and frames the issues for deciding dispositive motions or, if necessary, trial.

The court also rejects defendant's interpretation of their obligations to respond to outstanding discovery on an on-going basis. For example, in defendants' response to discovery request No. 2 (at p. 8), defendants noted that "there are a few additional individuals listed who may have maintained expert or consultancy agreements * * * [who] are not designated as having been retained by a particular governmental entity pending the results of a continuing search for pertinent documentation." The proper response by the government would have been to file its incomplete information and move to enlarge time for filing its complete answer, with an estimate of how much time would be needed. Instead, the government decided it would file an incomplete answer and then supplement it whenever it pleased, effectively divesting this court of control over the discovery process and ensuring that during the briefing process on the motion to compel the government would continue to produce dribbles and drabs of information at its convenience. This has unnecessarily complicated judicial review by providing a constantly changing target. The court condemns this litigation tactic and will not tolerate it in future responses in this case.

Defendants initially submitted a preposterous response to plaintiffs' request for lists of individuals who participated with each working group, saying that for Groups 1A and 22A–D "no such list was ever created." The lack of a formal, pre-existing list obviously did not excuse defendants from complying with plaintiffs' request. Apparently even defendants now recognize that, since they have now filed supplemental responses regarding the individuals in Groups 1A and 22A–D. Again, the court rejects this improper litigation tactic.

Even more egregious, however, is the defendants' response that the lists of meeting participants they created "should not be understood as fully exhaustive or completely accurate lists * * * ." Defendants go on to say that given "the fluidity and informality of the process by which individuals participated in the interdepartmental working group * * * [the lists] contain the names of some individuals who did not attend any meetings or who only attended one or two. Similarly, some individuals who attended some working group meetings are undoubtedly not listed." Defendants admitted at oral argument that no effort was made to check the records of each working group for agendas, meeting minutes, and lists of participants, because such documents were not "routinely" prepared. This does not justify the government's refusal to find and produce those documents that were prepared—albeit perhaps pursuant to a protective order.[1] Defendants also admitted at oral argument that they made no effort to check Secret Service records of meeting participants. Again, while such records would not be complete—since some people with appropriate passes would not be listed—they would be probative, since the names plaintiffs are most likely seeking are those most likely to need special clearances for meetings. Defendants cannot simply check the records that happen to be in Mr. Magaziner's office, a "sampling" of other records, and then claim to have properly responded. Defendants have again improperly thwarted plaintiffs' legitimate discovery requests.[2]

Defendants have refused to provide full information on what they call "audit groups" that were outside the interdepartmental working group, and have provided no information whatsoever on the "drafting group." The court rejects the argument that plaintiffs are not entitled to all germane information about all of the groups and sub-groups at the White House that dealt with health care reform issues. It matters not what label or title the group or sub-group had. Plaintiffs are entitled to inquire into the formality and structure of all these groups and subgroups, and defendants are again improperly withholding the germane information.

Time and attendance records and records of payments made (for per diem or other work or for travel and other expenses) are clearly germane evidence since they may provide circumstantial evidence that plaintiffs can use to argue that the government's labels as special government employees as well as consultants are a sham. The same is true for financial disclosure or ethics forms—the signature and date and fact the form was or was not completed is germane to plaintiffs' contentions. The court will allow redaction of those other parts of the forms that are not already publicly available. Defendants have, however, even refused to provide to plaintiffs forms that are already publicly available. Defendants have no even arguable basis for such improper withholding.

Plaintiffs' Motion to Compel is GRANTED as set forth herein. Defendants shall, within 20 days of this date, file their final supplemental discovery responses.

Plaintiffs are entitled to their attorney's fees, having prevailed on their motion to compel, and such an award of fees is not unjust under Rule 37 of the Federal Rules of Civil Procedure. Plaintiffs' detailed statement of fees and costs shall be filed within 10 days. Defendants may comment thereon within 5 days thereafter.

So ordered, Royce C. Lamberth, U.S. District Judge, Nov. 1993.

FOOTNOTES

[1]The court understands the defendants' concerns about production of substantive working group documents which will be publicly released only if plaintiffs ultimately prevail. The court does not understand, but is willing to consider, any argument defendants might make for a protective order for agendas or minutes, to preclude use except in connection with this litigation. The court is doubtful that a protective order is warranted for participant lists. What the court has no doubt whatsoever about, however, is plaintiffs' entitlement to have an appropriate search conducted to locate all such agendas, minutes, and lists. To the extent that plaintiffs' original wording was overbroad, it has now been refined. Plaintiffs are entitled to try to gather evidence to show that "consultants" are the functional equivalents of fully participating members of groups and sub-groups.

[2]Defendants' burdensome argument is categorically rejected. This court does not accept such arguments without specific estimates of staff hours needed to comply, and defendants submitted no such estimates.

Footnotes at end of article.

MAKING GUN CONTROL A REALITY

(Ms. MARGOLIES-MEZVINSKY asked and was given permission to address the House for 1 minute.)

Ms. MARGOLIES-MEZVINSKY. Madam Speaker, I think today, a lot of Americans are saying "it's about time." Passage of the Brady bill is only a first step, but it is a significant one.

If only one American had died as a result of handgun fire since the Brady bill was introduced 6 years ago, that would be one life too many; one life too many wasted because this body had not had the courage to face up to the special interests and do what is right for America.

But sadly, it is not one life which we mourn today, it is 150,000 of those lives; 150,000 American men, women, and children. More Americans than died in the 9 years of the Vietnam war.

Madam Speaker, I am proud to be here on the day when Congress finally starts to honor its pledge to protect the American people.

Waiting periods work. Waiting periods save lives. California's waiting period prevented 16,420 illegal gun purchases in the first 8 months of this year alone.

I am proud my colleagues passed the Brady bill. This is just a first step; I hope we can move on from here to make gun control a reality, and to pass a comprehensive crime prevention bill.

LOOKING AT THE FACTS ABOUT NAFTA

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of Texas. Madam Speaker, last night's debate was not even a close fight. The results are in. Ross Perot was gored by the Vice President's facts. Mr. Perot huffed and puffed, but all his one liners and all his threats simply could not blow down the facts of NAFTA.

The fact is that the United States has a $5.7 billion trade surplus with Mexico. The fact is NAFTA will increase United States jobs by leveling the playing field of tariffs with Mexico. The fact is that NAFTA, not the status quo, will improve working and environmental standards in Mexico.

It is clear that the fear tactics of NAFTA's opponents are wearing thin as more and more Americans are looking at the facts about NAFTA.

Madam Speaker, Congress should join every living U.S. President and Nobel laureate in economics in putting aside the tales of fiction and fear and conclude that NAFTA means more jobs and better jobs for U.S. workers.

ROLE MODELS OF SUCCESSFUL TRADE POLICY?

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

Mr. TAYLOR of Mississippi. Madam Speaker, in last night's debate Vice President GORE echoed what has now become the Clinton party line on NAFTA when he said that five living Presidents have come out in support of NAFTA. Since the speaker before me said that we should stick to the facts, Madam Speaker, I will do just that.

Of the five living Presidents who have endorsed this pact, only one had a trade surplus during his Presidency.

Now that was President Ford, and, as my colleagues know, he has not been very vocal about NAFTA. On the other hand, President Bush had a $362 billion trade deficit during his administration; President Carter, a $99 billion trade deficit during his administration; President Clinton, a $77 billion trade deficit during his administration. President Nixon broke even, and Ronald Reagan, President of the United States, had a $736 billion trade deficit during his administration.

Madam Speaker, to hold these people and their administrations as models of successful trade policy is no more accurate than to say that Madonna is a model of abstinence.

□ 1720

SALUTING VETERANS ON VETERANS DAY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Madam Speaker, tomorrow, we observe Veterans Day, honoring all of our brave men and women who have given so much of themselves while serving in the Armed Forces. I will bet many persons forget exactly why we will be on a holiday tomorrow. You may recall that November 11 was referred to as Armistice Day, because it was on November 11, 1918, at 11 a.m. in the morning, that peace was declared to end World War I.

Let us salute all of our brave men and women who serve and have served in our Armed Forces, and who have sacrificed so much that we may enjoy the freedoms that belong to us as Americans.

MESSAGE FROM THE SENATE

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

H. Con. Res. 178. Concurrent resolution providing for an adjournment of the House from Wednesday, November 10, 1993, to Monday, November 15, 1993, and an adjournment or recess of the Senate from Wednesday, November 10, 1993, to Tuesday, November 16, 1993.

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mrs. BENTLEY. Madam Speaker, I ask unanimous consent to vacate my 60-minute special order this evening in lieu of a 5-minute special order forthwith.

The SPEAKER pro tempore (Ms. SLAUGHTER). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

CONGRESSIONAL REFORM

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

Mr. BILIRAKIS. Madam Speaker, this year, Congress again failed in its most basic duty under our Constitution—to provide comprehensive spending measures for the Federal Government. We failed to approve all 13 regular spending bills on time—not once but three times. Consequently, Congress has been forced to approve three continuing resolutions in order to keep the Government running.

In an effort to curb this sort of irresponsibility, I have introduced H.R. 1922, the Congressional Pay for Performance Act. My bill would require Congress to pass the other 12 bills before the appropriation for the legislative branch. In addition, to make sure that Congress had adequate incentives in this regard, H.R. 1922 would hold back the permanent appropriation for congressional salaries until all appropriation bills are approved.

The intent of my bill is simple. I think it is outrageous for Congress to approve money for its own operations or our own salaries while we consistently delay, avoid, and fail to approve many regular appropriation bills by the end of the fiscal year.

We almost yearly bring the Government to a halt and create anxiety among the beneficiaries of Federal programs—while we approve our own budget months ahead of the October 1 deadline. My bill would not cure all institutional flaws, but it would represent a change in thinking and attitude. I think people would prefer to see Congress step to the back of the line for a change.

Madam Speaker, it is abundantly clear that our constituents also want to curb the flagrant spending habits of Congress. Discipline is sorely needed in the congressional budget process—a process which must be changed to produce sensible, enforceable guidelines for Federal spending.

For example, many of our constituents do not know that Federal law sets a specific limit on the amount of money that the Federal Government can borrow. As a matter of law, our ability to borrow and spend is supposedly curtailed.

Unfortunately, this law accomplishes little from a practical point of view, because Congress routinely votes to increase the debt limit. We set a limit—and then when it looms on the horizon, we refuse to stop spending. Instead, we simply expand debt limit authority and put the day of reckoning further off into the future.

While the national media paid little attention, the 1990 budget agreement permanently increased the debt limit from $3.1 to $4.1 trillion. Then, earlier this year, the Clinton budget plan approved earlier this year further increased the debt limit to $4.9 trillion. As a result of this fiscal irresponsibility, the national debt is now approaching $4.4 trillion.

To make matters worse, the House of Representatives can increase the debt limit without even casting a specific vote on the issue. Under House rules, the debt limit can be increased automatically upon adoption of the conference report on the budget resolution.

That's like having a charge card where you never have to pay off the balance and your total line of credit keeps expanding to keep up with your spending. It may sound great, but you know it can't go on forever—and you certainly wouldn't give it to your kids. Madam Speaker, I don't think the U.S. Congress can be trusted with this type of credit account, either.

That's why I am a strong supporter of legislation to repeal this rule and require a separate vote on any proposal to increase the debt limit. If we are going to run up the national charge card, we should at least do it in public, with a recorded vote. Self-executing rules allowing debt expansion without an up-or-down vote are an affront to our basic duty as representatives of the people.

In everyday life, we wouldn't borrow money in another person's name without their permission—even a child would know that's not right. How then can we, as an institution, permit endless borrowing without the accountability inherent in a recorded vote?

I also believe there is a simple alternative to further increasing the debt limit—we must attack the underlying problem of excessive Government spending.

Many of us have supported a number of reforms to accomplish this goal, including a line-item veto to add teeth to the present law controlling congressional budgeting. Many also support a tax limitation/balanced budget amendment to require Congress to enact a balanced budget, while strictly limiting any new taxes to the overall growth in national wealth.

Altogether, I believe it will take strict adherence to budget guidelines to bring spending under control and deficits down to a balanced level.

In closing, I challenge my colleagues to wholeheartedly embrace congressional reform. What we need is a real, honest consensus on what is right for America. That is what our system is all about: Equality and fairness.

The American people should demand no less, and we should deliver far more.

VETERANS DAY

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

Mr. FISH. Madam Speaker, tomorrow is Veterans Day, a day set aside to pay tribute to the more than 27 million American men and women alive today who have served in defense of this Nation, the more than 1 million who have died in military service, and to those MIA's and POW's still serving in Southeast Asia.

There is no duty or honor higher than responding to our country's defense in a time of war, and there is no greater debt owed by our Nation than the debt it owes our veterans—those who served when our country called—the dead, the wounded, and those lucky enough to return whole. For every veteran was there when his country needed him—ready to lay his life on the line that his country could live in freedom.

We must never forget our country's debt to those who did return—those who need our country's help now as much as our country needed them in time of war.

The Congress has appropriated and the President just signed the largest budget ever for Federal veterans' programs, including a record level of funding for veterans' medical care. Even this, however, falls short of the funding level needed to meet the operating costs of a number of VA hospitals across the Nation.

I am committed to assuring that the VA medical system is retained as a separate entity for the sole use of veterans in any health reform Congress may consider. We must make absolutely certain that our veterans needs are not forgotten—brushed aside by budget cutters as only one more costly entitlement program. For veterans are different. Veterans are not just another entitlement program. As I have said so many times before, we have a special covenant with our Nation's veterans who have risked their lives to defend our freedom.

NAFTA VOTES BECOMING EXPENSIVE

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

Mrs. BENTLEY. Madam Speaker, recent developments in the NAFTA battle, developments reported in the media, should have some of the early supporters of NAFTA reconsidering their commitment to the agreement.

Many of the believers in unfettered free trade also are fiscal conservatives and walked this very floor this summer making statements that if political deals were cut that threatened to either pull back from the agreed to free trade provisions of the NAFTA, or, if the cost of the NAFTA would push our budget deficit up, then they no longer would support the NAFTA.

The time is getting short. And I must ask the billion dollar question. How much is too much? On spending: $700 million to a possible $1.4 billion for six C-17 cargo planes, the cost of one Texas vote; $10 million for a trade institute in Texas, one more Texas vote; $600 million, for starters, on the NAFTA development bank, one California vote, and this bank is expected to go to at least $2 or $3 billion, and maybe even as high as $12 billion, over the years.

□ 1730

The total proposed deficit—as of yesterday according to the Joint Economic Committee—is likely to be at least $20 billion and the bartering for votes is not ended.

The Joint Economic Committee also says that the direct cost of implementing NAFTA over the next 5 years could be 30 percent higher than the current estimates being used by the administration. The JEC study also argues that the administration allocation of $138 million for dislocated worker programs is extremely low, but this underestimate is not included in the JEC 5-year calculations, because the additional costs of worker dislocation programs were not immediately required as part of the implementing legislation. By contrast, the Bush administration originally proposed $335 million a year for NAFTA-related dislocated worker programs, more than 12 times what is now being suggested.

Now if that's not enough for changing promises—the trade hawks on the Hill should examine the slippage on agriculture and flat glass and appliances.

There's another proposal being discussed—to barter for votes—and that is an Executive order by the President to permit the use of trade sanctions against nations that hunt endangered animals. Of course, were this to be done to win NAFTA votes, then we would have to fight GATT, because they don't want porpoises protected.

Oh what a tangled web is being woven in these international trade agreements. And how very dangerous it is to try to pull the wool over the eyes of the American people.

Americans believe a deal is a deal.

Americans want to believe that when their Representative makes statements of true concern—they will be followed through.

I urge every one of you—in this House—to look to your promises and your constituents—all 600,000 of them before you cast your vote.

MORE ON SOMALIA

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

Mr. DORNAN. Madam Speaker, I have been on the floor several times with this photograph. I am going to raise it up higher for our excellent crew downstairs so they can come in steady on this and show what I think is the great tragedy of Somalia and what was for a while the focal point of our debate.

And on the eve of Veterans Day, tomorrow, I want to discuss again, to make this point very clear to all the Members of this Chamber, some of them may have the TV's on in their office on C-SPAN, getting ready to go back to their districts for this weekend, many of them will participate in veterans ceremonies. I think that they will want to have answers for the veterans across this country as to why there was no armor to back up our 18 killed in action Rangers and Special Forces soldiers in that special ops operation on the afternoon of October 3 that turned into the longest fire fight since Vietnam, equal in ferocity to some of the major engagements with German armor in World War II, when it degenerated into, with the armor knocked out, into an automatic weapons fire battle.

One of the Army people referred to as the fire fight from hell. The young wounded Rangers and veterans, and I keep saying young, I guess that is my point of view. But there are mature family men, wives, many children, in their late 20's and early 30's. There were only a few young private first classes and corporals, Rangers from this great 75th Ranger Regiment, that were killed in that shootout.

Now, here are Russian-designed, and I am not sure if they are Soviet-built and purchased by the nation of India or built under license in a big tank plant outside of Delhi, the capital city of India, but this is a picture that I took from a UH-60 Blackhawk aircraft that belonged to the 10th Mountain Division. General Montgomery was in the helicopter with me. He is the commander of our quick-reaction force. We were not out of the International Airport of Mogadishu 3 or 4 minutes when I looked down at the Indian compound on the southwest side of the city of Mogadishu. And I am looking at these white painted main battle tanks. That is a military term, MBT.

I said "What are those?" I thought at first they might be British Challenger 1's. He says, "Those are Russian-designed T-72's."

That is the Indian flag. It is flying over. There is a U.N. flag here. The Indian flag was over here.

I am getting my camera adjusted and trying to zoom in on this with the .70 millimeter zoom lens. Here is an armored personnel carrier. Here are four of what I found out were 14 T-72 tanks.

Now, I looked over at General Montgomery, a good man, Silver Star from Vietnam, several Bronze Stars with "V" for valor, Air Medals, a well-rounded general. He could almost read my mind through my eyes.

I said, "Tell me they weren't here October 3." He said, "Congressman, I

called the Indians. They said they would have to call Delhi."

This was on the afternoon of a Sunday. Given the time advantage, it was already into the—time disadvantage. The world was rotating toward New Delhi's direction. So it was 2 or 3 times zones later than the Horn of Africa, probably 2. And so it was already dinnertime in India.

He said they could not get permission to supply him with this armor, which is probably about 8 to 10 minutes, tank driving speed, 30 to 35 miles an hour, to the C-4 circle that our Rangers had gone through when they reached Aideed's headquarters in about 10 minutes from the Ranger headquarters at the international airport.

The more I investigate this, the more fascinating it becomes. Here is what I have been able to determine by pressing the United Nations using the Intelligence Committee, the Library of Congress Research Committee and a beginning of less resistance from my friends who I highly admire in the Pentagon in the structure of the Joint Chiefs of Staff.

Italy had M-60 tanks, about a dozen of them. The general, later, in his office, General Montgomery told me he called Italy. They had to check with Rome.

Now, since Rome is one time zone to Egypt, one to Rome, it is a 2-hour time zone advantage; in other words, at 5 o'clock, when all hell was breaking loose on Sunday afternoon on this high ground near the Olympic Hotel in Aideed's headquarters in Mogadishu, in Italy it was only 3 o'clock. But it was a Sunday in Rome. That is a Christian nation so that was the Lord's Day. Why we could not have a hot line to whatever the Pentagon is called in Rome or wherever their military headquarters is to unleash 12 M-60 tanks.

The M-60 tank was used by our U.S. Marine Corps in Desert Storm. They did not have their full complement of M-1 Abrams. To have an M-1 tank there, we have got a dozen of them now, which weighs 139,000 pounds, that is almost 70 tons, that is amazing, would have been ideal. But look at what an M-60 weighs or, for example, Pakistan, after all, we were supposedly avenging the killings by ambush and the total mutilation of the bodies of 24 peacekeepers from the nation of Pakistan, ambushed by Aideed's people.

Pakistan had 12, at least a dozen, M-48 tanks. An M-48 is about 105,000 pounds so it is over 52 tons. The M-60's that the Italians had are 107,000 pounds, again, about 54 tons, perfectly suited to crushing road blocks and getting in in a rescue operation to perform a blocking operation. All you would need would be four of them at the four main streets around the intersection around the two intersections where helicopters went down.

□ 1740

It would have been very nice to have eight, backed up by armored personnel carriers, to pull out wounded men. This lack of coordination between the U.N. forces is why I voted, even though I am against any date-setting at all, why I voted for us to be out at the end of January, early February, rather than the end of March. At either date picked by this House, January 31 or March 31, we have put ourselves in a very untenable situation against a dedicated, ferocious killer of a warlord, Mohamed Farah Aideed.

This man has been threatening us all week long in a firefight that his henchmen started near the Malaysian compound. The Malaysians are in a panicky mood. They engaged in a much bigger firefight, and I am not going to second-guess them, and their judgment was whatever it was on scene, but they ended up killing a father of eight children who was a good Somali, the security chief for one of the major volunteer compounds, a wonderful world organization, CARE; the CARE security chief, father of eight, killed in this firefight because Aideed's snipers were sniping at the Malaysians, and several wounded on that side.

These are very dangerous times in, to paraphrase Mr. Kissinger, the new world order. The United States in many cases may be the only force for justice in the world.

If we get into situations like this where we do not have a clear battle plan, or civilians in the Pentagon are denying requests for sufficient protection for our men and young women, in many cases, in the field, then we are going to be in a situation where the isolationists of the world, growing now in both great parties of this country, are going to prevail in every argument, because when we put Americans in harm's way, the Colin Powell, Dick Cheney, George Bush, but principally Ronald Reagan-Cap Weinberger theory of overwhelming force, with the support of the people, that means their elected Representatives and Senators voting in affirmation, or at least counseling with the leadership members and the experienced people on the Intelligence and Armed Services Committees in both Chambers, this will of the people, an overwhelming force, is the only way Americans are going to be able to help anybody in this world.

If we have people at the Pentagon of the background of Morton Halperin, a designee, who the Under Secretary of Defense for Policy has admitted to Senators, and this is Frank Wisner, with a distinguished background as Ambassador to the Philippines, to an African country, to an Indonesian nation, he has a fine ambassadorial background, he admitted to Senators, and maybe I should not say "admitted," it is a guilt word, he discussed with Senators that Morton Halperin, not yet confirmed by the Senate, in a created Under Secretary position with a very romantic title, Under Secretary of Defense for Peacekeeping and Democracy, that he weighed in on this decision to jerk the AC-130 Specter gunships, with a huge cannon on them, holding tons of ammunition, multiple gatling guns, trains with the Rangers and our Special Forces folks all the time, can fly above 5,000 feet, that is above rocket-propelled grenade or small arms fire, and give unbelievable protective firepower support to any Rangers or Special Ops guys trapped on the ground. Why was Morton Halperin weighing in on this?

Let me spend some of this special hour on this eve of Veterans Day on Mr. Halperin. Here is an article from Army Times; the same Army times, by the way, which has a superb article that, if my staff gets it over here, because I realize I do not have it, has an article by an acquaintance of mine, Tom Donnelly. It is the first definitive article in any publication on this firefight from hell.

I enjoyed meeting with a vice president of Reader's Digest last night at a friend of mine's affair at the Capitol Hill Club, at the Friends of Pat Nolan affair. I met this VP who said that Malcolm McConnell, one of the finest military writers, or writers, period, at Reader's Digest, will be working over the next few months on doing the definitive piece in a magazine that sells 14 million copies a month, so all of these heroes and their great widows, wives, fiances, and families who have suffered so much, particularly the ones who are going to suffer with loved ones with arms missing or in wheelchairs for the rest of their lives, leg and arm gone in the case of one hero rescuer, Christopher Reid, who is up at Walter Reed right now, and I was humbled to visit with this fine young Marine sergeant of African-American descent, who gave his arm and leg to try and just retrieve the remains of three Americans burned to death in the back of the first Blackhawk that was shot down on September 25.

For these men on Veterans Day, I want to see what I can do to bring Les Aspin to his senses, and his bosses in the White House, to ask Morton Halperin to do the decent thing and withdraw his nomination.

Madam Speaker, again, if my staff is listening, and they should be, if they will bring over this fine article by Tom Donnelly in this week's Army Times on the firefight, I will put that in the RECORD with my remarks tonight.

In that article, in that Army Times, an article by Rick Maze, one of their staff writers in Army Times, it says, "Halperin as peacekeeper?" Subtitle "Qualified," that is arguable, "Qualified but controversial nominee draws fire." Then it shows the two sides of Morton Halperin, how he is going

through a transformation, like a caterpillar to a butterfly, I guess.

Here is the old, the old Morton Halperin: "All of the genuine security needs of the United States can be met by a simple rule which permits us to only intervene when invited to do so by a foreign government," as in Grenada. That was 1979, 6 years after we had left Vietnam. It was in the Nation magazine.

He also said more recently, just at the beginning of the summer, in Foreign Policy, and this is still the old Halperin,

The United States should explicitly surrender the right to intervene unilaterally in the affairs of other countries by overt military means or by covert operations. Such self-restraint would bar interventions like those in Grenada or Panama unless the United States first gained the explicit consent of the international community acting through the Security Council.

Here is the new Morton:

We must ensure that other nations clearly understand that the United States is prepared to use force unilaterally when it determines its interests are threatened.

That was a memorandum to the Senate Committee on Armed Services, which can call him before that committee before they confirm him. That looks like it was a 30- to 45-day switcheroo when he realized his nomination was in trouble.

Here is another one from the same month of August:

I can support the conduct of Sekirk operations conducted pursuant to the requirements of law.

So now he is hedging his lifelong stance against any covert operations whatsoever. I wonder if Mr. Clinton cleared the launching of 23 Tomahawk missiles, each one with a thousand pound warhead, against the massive and brand newly opened intelligence building in Baghdad, I wonder if Clinton checked with Halperin before he launched that Navy attack to avenge the alleged, proved to my satisfaction, assassination attempt on George Bush, or thwarted attempt against a former President of the United States.

Here is what Rick Maze's article says:

The nomination of a long-time Washington insider to a new Pentagon post overseeing peacekeeping operations has turned into a firestorm of criticism aimed at the nominee and President Clinton's recently foreign policy setback. On the surface, it would appear that Halperin would make an ideal nominee for the newly-created post of Assistant Secretary for Diplomacy and Peacekeeping, an important job in the post-Cold War world.

What is that, kind of a downgraded title, now?

The 55-year-old Brooklyn native has taught nuclear strategy and arms control policy at major universities: Columbia, Harvard, MIT, Yale. He served in the Pentagon as Deputy Assistant Defense Secretary for International Security Affairs during the Johnson Administration, and then worked on the National Security Council staff under Nixon. He was a hold-over.

Critics have scrutinized his history and foreign policy opinions, finding fault and discrepancies.

My friend, Senator BOB SMITH, who came to this Congress here in the 1984 election and served here with great distinguished service, particularly with a heart as big as his 6-foot-4 frame for our missing in action and their families, BOB SMITH, Republican, New Hampshire, says, "Mr. Halperin is no stranger to Washington, and he is not a stealth nominee either." BOB is on the Armed Services and the Intelligence Committees, like myself, albeit in the other Chamber.

He has a very long and sordid track record.

□ 1750

More importantly perhaps, his nomination for a post-setting policy for U.S. military involvement in nontraditional roles comes as the first of two post-cold war peacekeeping missions of the Clinton administration which have failed. Halperin's hearings will become a forum to examine Clinton's foreign and military policies, predicts Senator TRENT LOTT, Republican, Mississippi. Another respected, I will say graduate of this Chamber over to the Senate. He now represents the whole State of Mississippi instead of one-fifth of the State of Mississippi. TRENT LOTT rose up to be our No. 2 man, and I told him maybe he should reconsider going to the Senate. I always thought I would live to see him the Speaker of the House of Representatives, and that deed, seeing him sitting in the chair where you are, Madam Speaker, as the Speaker, would have certainly finally put the grievances of the Civil War to rest after almost a century and 30 to 40-some years.

But TRENT chose to go to the Senate, and he serves his great State of Mississippi well over there.

TRENT LOTT said that Halperin has played a role—exactly what role is not clear—in drafting presidential order PDD 13.

I have been speaking about this Presidential directive for 6 months on this floor, or at least for 4 months when I first heard about it.

This PDD 13 would expand the role the United States plays in U.N.-led peacekeeping missions, where we are always the combat teeth, the sword, the cutting edge, and those taking the most casualties. We have taken, if you take into consideration the Pakistanis had three more men killed from ambush, and their death toll stands at 27 in this peacekeeping operation in Somalia, we are at 30 killed violently and 4 more who died of nonbattle deaths and that is 34. But we have wounded way over 100. No nation comes close to suffering in blood and death, and of course not in treasure. Sure, we still are assessed more than 35 percent of the U.N. role. I was with General Secretary Mr. Boutros Boutros-Ghali at lunch yesterday, and that high price we pay for peacekeeping around the world, whether we have a say or not, we get the bill on a lot of these peacekeeping operations.

Keep in mind that the United States pays the bill for peacekeeping in India and that goes back to 1948 when Nehru, with much leadership by Mahatma Gandhi, separated the country into two Muslim nations on either side, which eventually split off into Bangladesh and Pakistan, and the main part of India remaining a Hindu nation. We are still there, we are still paying 35 percent of the bill, you, the taxpayers who follow this House, and as you well know, 1,300,000 people are listening to us right now, Madam Speaker.

You taxpayers have paid the bill for peacekeeping in Cyprus since 1964, and the bill went up in 1974 when the Turks were using F-100D's that we gave them. And I saw the tail member on a plane on the evening news rolling in, close shots taken in formation, rolling in on the Gold Coast along Nicosia, tearing up gigantic tourist hotels with an airplane that I had flown on active duty about 17 years before.

What a staff I have. Thank you, Timothy Harroun. Here is that article, "Anatomy of a Firefight: Our Rangers in Somalia," the first after-action report. If you cannot get a hold of the Army Times, Mr. and Mrs. America whose sons and daughters serve in our military, then Madam Speaker, they can get it out of the CONGRESSIONAL RECORD of the 218th birthday of the Marine Corps, today, November 10, 1993.

Now back to Mr. Morton Halperin. Under Senate procedures, Halperin's opponents could block the nomination indefinitely. Instead they decided they want confirmation hearings so that they can grill Halperin, and at the same time blast Clinton. Then, after the bruising hearings, they hope to either defeat Halperin outright, or use Senate procedures to block action.

Now hear is the prostitute of the Reagan administration who works at Brookings, Lawrence J. Korb. Because he is introduced as a former Reagan appointee, and he left under a cloud with much prejudice on the part of Cap Weinberger and the President himself, Ronald Reagan, Lawrence J. Korb is the mouthpiece they roll out when they want to put the name Reagan following somebody's name. And then he proceeds to talk about how great it will be to have bisexuals in the military who can date the whole base as long as they do not cross the enlisted/officer barrier, and any time the media, the liberal dominant media culture wants to attack anything conservative in the military they roll out Larry Korb. So of course Mr. Korb says what they are doing, the Senators, is unfair and despicable. He usually quotes Daffy

Duck. And here is a former Reagan administration defense official, but they never put in parenthesis who left under a cloud and left in disgrace with prejudice.

"There are a lot of things at play here," Korb says, "that have nothing to do with Halperin's merits. Republicans are trying to get back at Democrats for blocking the nomination of John Tower to be Defense Secretary during the Reagan Administration," Korb said.

That is absolutely hogwash. I do not think my friends, BOB SMITH, U.S. Senator from New Hampshire, or TRENT LOTT, U.S. Senator from Mississippi, are dredging up the past back to the spring of 1989, not that they did not think it was horribly unfair to gut on the merest innuendo against John Tower, the longest serving Navy chief, chief, chief, master, master officer in the U.S. Navy Reserves, try to destroy him, and of course we put a good man in his place, who went through in a breeze because they felt so guilty about it over in the Senate. We got Dick Cheney in there by March. But it was terrible what happened to John Tower, a former chairman under President Reagan in 1981 through the year 1986 of the same Senate Armed Services Committee that stabbed him in the back.

Korb says we are playing some revenge game. No, no, no, Larry Korb, we are going after Halperin on the merits of his life, because he did get a ticket, paid for by we do not know whom, and maybe we can find out at the hearings, to fly to England when they were trying to kick out a sleazy Benedict Arnold, Philip Agee, who had printed the names in some sleazy magazine of our CIA station chiefs at many of our embassies all around the world. And one of them, a fellow Catholic with children, was murdered in the streets of Athens, Dick Welsh. So no, no, Larry Korb. We have plenty to deal with on the merits with Morton Halperin.

"Emotions of Vietnam, a war Halperin came to oppose, are also at play," Korb says. There might be some truth to that.

"One moderate Republican, JOHN WARNER of Virginia," and that title, moderate Republican, may come back to haunt JOHN when he comes up for reelection in 4 years, "has suggested that Clinton withdraw the nomination." So even the moderates are rallying against Halperin over in the Chamber at the north end of this great building. "It seems to me," WARNER says, that "it is timely for the President and the Secretary of Defense to take a second look, and a very careful look at this nomination." WARNER, of course, is the ranking Republican on the Select Committee on Intelligence, and I think he is No. 2 on the Armed Services Committee.

"Halperin, through a Pentagon spokesman, declined to be interviewed." When your nomination is in such jeopardy, it is good to take a very low profile, stay underground. But a senior Pentagon official, faceless, nameless, anonymous, said Les Aspin continues to support him. "This nomination is winnable, the [unnamed] official said. Halperin is being tarred for the very reasons he was selected."

What reasons could that be? That he brags that he helped defeat in this Chamber and in the Senate, working behind the scenes as head of the Washington, DC, ACLU, the amendment that at first was winning hands down to make it a crime to bring the American flag in front of veterans in wheelchairs, which is what they were approving, this beautiful flag that flies here under those great words, "In God We Trust," And the ACLU, by the way, wants "God" in the "In God We Trust" off this wall. In the Senate Chamber it is on the opposite wall. The President of the Senate, who is the Vice President of the United States, in tough times of breaking tie votes, he sees those words right in front of him. It is right under the clock, right here on their staff door in the Senate Chamber, the same words, "In God We Trust." The ACLU wants it off, off that wall. And Halperin bragged. He did not just brag, he said this was the greatest achievement of my life up to that point a few years ago that I played the key role in stopping Senator BOB DOLE's amendment to make burning Old Glory a crime, and that he did the same to us in this House where he lost in a very close vote after days of passionate debate.

Is that one of the reasons he was selected, this unnamed official, civilian official I am sure?

"He is one of the few people who has thought about a world in which there is no East-West conflict and about a U.S. foreign policy that involves more than worrying about the next war."

Well, he sure has done a lot of thinking. And I would like to come back to an article that I put in the CONGRESSIONAL RECORD. I am reading from our own CONGRESSIONAL RECORD, not in a circuitous, sly way here. I put this in the RECORD on last Thursday, November 4. But it is an article from one of Ronald Reagan's two favorite publications for bedside reading.

□ 1800

Nancy Reagan, our former great First Lady, confirmed this to me.

Now, the National Review, Bill Buckley's great publication, and Human Events—that is what kept Ronald Reagan's heart stout as a conservative even when he was being undermined by the Mike Deavers on his own staff. Here is Human Events, September 25, ironically that is the date that our first H60 Black Hawk was shot down with the loss of three men in the back burned to death. I have spoken to one of the pilots, the senior pilot on the crew, Dale Schrader. Dale Schrader told me a heart-gripping story that I think it would do well for Reader's Digest to print for 14 million Americans to read. He was saved by a good Somali who yelled in the dead of night after he and his copilot, who was badly burned on his face, who was badly hurt, his face crushed on the control stick when they made a hard landing. The back of the helicopter was an inferno, it burned the backs of their necks even though they had Velcro flight suits with the collar up in the back. It burned the back of Dale's left arm—the pilot sits on the right side in a helicopter—and as the aircraft commander, his pilot, there were third degree burns on the back side of his right arm because he is sitting in the left seat. He said it was an inferno of such intense fire that he never conceived anything that hot in his whole life. He had lost the three crewmen. He got the badly injured copilot out of the left side, went about 30 feet down, had his copilot in the alley. He came back to the airplane and the ammunition started to cook off. Chief Warrant Officer Schrader said that the fire was so intense—he knew his three crewmen were lost—one of them an intelligence sergeant flying his first mission over Mogadishu. He was from the 10th aviation regiment with the 10th Mountain Division. The other two crewmen, we never did get any remains, and the Army satisfied me that they did everything they could to try. They were from the 101st aviation regiment with the great 101st Airborne Division that I watched operating Friday at Fort Campbell, KY.

Schrader said they went down this alley, he fired a full clip out of his 9-millimeter, got his extra clip out and fired that all in one burst, hit somebody, saw him drop in the night and crawl away. Then another man comes running down the street, fires an AK-47 at him. Then they throw grenades at them. His copilot drops his 9-millimeter Beretta and his extra clip in the dark which they cannot find. And then he hears these beautiful words, "American boys, American boys." Madam Speaker, there are Somalis who know we saved hundreds of thousands of their women and children from starving to death.

He looked around the corner of the stairwell where he was hiding—and I have a photograph here, if I can find that. I should have that, a picture of that alleyway. I saw that stairwell in one of my photographs taken from the air 3 weeks later. He looked out and the man had a flashlight and said to himself, "Well, he is not going to hunt me down and kill me with a flashlight." He came out and he said, "American boys, come," took them back through a United Nations armored personnel carrier, probably vintage because they buy with Euro oil

dollars, probably a new British or German piece of equipment. Now, where was that equipment on the night of September 25, just 8 days later, when our guys were hunkered down in a massive automatic weapons firefight on Sunday the 3d and all morning long in the darkness and early morning hours of the 4th?

So Halperin and every civilian at the Pentagon had 8 days to consider the requests for armor and armored fighting vehicles before we launched another operation.

So here, September 25, the same date that Dale Schrader went through that nightmare story, he is in the burn center with his other pilot. Let me see if I can think of his name here, Dwight—no, Perry, P-e-r-r-y, Allman. These two great warrant officers from the 101st Airborne Division, they are still in the burn center down at Brooks Army Hospital. I hope they have got cable TV. They would not mind hearing their story going out to over 1½ million Americans across the country. I just upped that, Madam Speaker, another 200,000 people.

So here they are in the Human Events article, September 25 of this year, "Jane Fonda Next?" Little did the Human Events author know that Jane Fonda was at that very moment already appointed by Clinton to go up to the United Nations and attack by name the Holy Roman Catholic Church as an offense to the world. She and Ted Turner have made it a cause, I guess. She attacks the largest Christian denomination in the world in front of the United Nations Assembly, and she was appointed to that post by Bill Clinton. They have not discovered that yet over at Human Events.

It says, "Jane Fonda Next?" It goes on. "Senate may soon approve alarming Halperin appointment." The story begins, "Short of treason, what does it take to disqualify someone from securing a key position in the Clinton Administration's Defense Department? Nothing, apparently. So 'Civil Libertarian' Morton Halperin, who collaborated closely with some of America's most vociferous enemies during the cold war, may yet become assistant secretary of defense for democracy and peacekeeping. A surmise that his is going to make it conjures up a passionate Patrick Henry in the House of Burgers, the oldest legislature in America, saying, 'God almighty forbid it.'"

Should Halperin be confirmed, he would have enormous sway over U.S. defense policy. Now, that was a prophetic statement, 8 days before the killing of 18 of our Rangers and special forces, special trained operations guys. And the death 3 days later of one of the senior guys, Sgt. Matt Greerson at the airport where 12 others were cut up by a mortar direct hit.

"Should he be confirmed, Halperin will have enormous sway over U.S. defense policy, including, it seems, sharing responsibility for putting American troops under United Nations command. He will also have access to our most precious military secrets, the very kind of secrets he ferociously sought to divulge to the world when the Soviets were threatening us with nuclear annihilation." The idea that this former, highly influential ACLU figure may actually be confirmed to such a powerful position within the Pentagon has positively alarmed influential members of the national security community and this Member of the great United States House of Representatives.

Needless to say, he may very well end up getting the job. No Clinton appointee, it should be noted, has yet been defeated in a vote by the Senate, where the Armed Services Committee, chaired by SAM NUNN of Georgia is supposedly to take up the nomination shortly"—notice this dragged on for 6 weeks. They still have not figured out how to get their act together. "So far not a single Democrat has had a bad word to say about Halperin, not one." Well, behind the scenes a couple of veterans on the majority side of the House, Madam Speaker, have made their point known to the administration.

The SPEAKER pro tempore (Ms. SLAUGHTER). The Chair would remind the speaker that he should not be admonishing the confirmation processes of the other body.

Mr. DORNAN. Yes. Let me see, did I admonish that process or did I say—yes, that is right, I was saying that it has taken 6 weeks to go on. That is not an admonishment of the Senate, I am well advised, Madam Speaker. I was admonishing the administration for delaying putting him up for confirmation for such a highly sensitive Defense Department position. But I will not criticize the Senate process.

I was referring not to the Democrat Senators but to the Democrats outside the Congress of the United States.

The Republicans on the panel—I am weighing my words as I read this now—the Republicans on the panel, and this does refer to the Senate, are virtually united against him. Well, that is just a fact.

WILLIAM COHEN of Maine, who also served with distinguished service in this chamber, is still riding the fence, but no one has yet become the point man in opposition. I think since this was written, the Vietnam war attack pilot and hero JOHN MCCAIN, hero, POW also for over 6 years, I think he has become the point man. But then so is TRENT LOTT and so is BOB SMITH. They ask a question: Where is the Senate Majority Leader ROBERT DOLE, who served with distinction in the 10th Mountain Division in Italy and gave about as much pain and service in a hospital bed over 3½ years as any Member has ever given who served in either body for 218 years? Where is DOLE in all this? I believe BOB DOLE is weighing in, Madam Speaker.

Then they go on to criticize him a little. But this is again a September 25 article. It says, "Meanwhile, a curious alliance of the far left, the once-Stalinoid magazine Nation, for example, and a few ultra-liberal 'defense experts,'" and it mentions Alton Frye, Arnold Kantor, and Jerry Stone, a clutch of neo-conservatives at the New Republic, and even a conservative writer for the Wall Street Journal has begun to rally round Halperin.

□ 1810

That writer in the Wall Street Journal took my breath away when I read his article. This is the great writer who is doing such a journeyman work on NAFTA to make sure it goes through, Paul Gigot. I could not believe he was willing to dismiss all of Halperin's past to see this man sit in this newly created defense position of peacekeeping and democracy.

My friend, the gentleman from California [Mr. DREIER] has inquired if I am going to use my full special order, and since I am using this great chart, Madam Speaker, as the backing for my tragic photograph of Indian armor that was not available to save lives in the so-called peacekeeping, I would say that I am now going to move into the veterans phase, and as the son of a Marine drill instructor, I know the gentleman from California [Mr. DREIER], I know the gentleman will not mind if I take about 20 more minutes.

Madam Speaker, I received what we call around here a "Dear Colleague" letter from one of my friends in the majority who is known around her as Mr. National Guard, Mr. National Reserve, the great gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs. He and his staff under his inspirational direction put together a beautiful Dear Colleague letter to inform all of us in the House about what is going to happen tomorrow right near the veterans' memorial. It is not the permanent place for an absolutely awe-inspiring memorial to American women who served in combat. It will symbolize those who have served in all of our wars, from Molly Pitcher to the courageous Army nurses who served under incredible fire in the Malinta Tunnel in Corregidor right up to its fall, those Army nurses that I visited with on many trips to Vietnam as a journalist, playing volleyball with them.

I remember I was outside this MASH hospital with their little puppy dogs running around, and all of a sudden the alarm goes off. Here come a helicopter, without any of the dark humor of the kind of phony show, MASH. This was the real military triage in combat theater hospitals.

I watched these nurses go out to these helicopters and bring in these

badly-wounded Americans and those courageous dust off helicopter crews that were actual aerial ambulances, bringing these men in.

I remember one Army Lieutenant nurse, could not have been more than just in her very early twenties, crying to a friend of mine, Gary Crosby who was with me, that one of the saddest things was how much work it took—this was actually in a hospital down in Kontum near Pleiku.

As a matter of fact, it was the very day that I put on this Montagnard bracelet that was the inspiration for the POW bracelet. I have not had it off my wrist in, good grief, 25 years and 2 months.

But that very day I put this on in a small Montagnard village, this nurse told us, and in the big hospital there they would have to explain to some of our soldiers who in bed with several limbs amputated why they, the nurses, were spending so much time with North Vietnamese prisoners-of-war patients.

She said,

You see, the problem is we think because this is Vietnam that the boys fighting under communism from North Vietnam have an immunity to malaria, but a boy from the Red River Valley in North Vietnam has no more immunity to some of the diseases down here in South Vietnam than does a young man from Detroit or Long Island.

Also she said,

They all have such poor diets, they all have stomach worms, so when they get a body shot their wounds are immediately horribly infected and they all are jaundiced with malaria.

So she said,

We have to spend even more hours to save the lives of the enemy prisoners that were trying to kill our men than sometimes we spend with our own men.

And I thought, what guardian angels of mercy to save the lives of the young North Vietnamese soldiers, sent by evil communism out of Hanoi to die by the millions, literally, against our young men in a war horribly manipulated by politicians, not a one of whom really had a son or a daughter there, who was calling the shots through people who thought, like the aforementioned Morton Halperin, dragging on a war after LBJ, Lyndon Johnson, had promised to have us out, and the old joke goes, people said, If I voted for Goldwater, the war would continue in Vietnam. I did, and it did, except it was under President Johnson, never knew how to go for victory, surrounded by McNamara type people, another person who has written a column with Eliot Richardson endorsing wholeheartedly Morton Halperin, without offering one defense for this man's checkered career, without ever alluding to Halperin's defense of this slim Benedict Arnold, Philip Agee.

So the thoughts of these women serving our country now at that time, it was probably one, two or three percent, now it is up over 11 percent, 14 percent in the gulf. The nurses that are saving lives in Somalia, many young officer nurses in the 46th Field Hospital there in the U.S. compound saved the lives of many of these Rangers who were brought in torn up at the beginning of last month.

So I want to read SONNY MONTGOMERY's beautiful "Dear Colleague" letter of this week dedicated to our ladies in uniform.

He puts an excerpt at the top from "Nurse", a wonderful book by Diane Carlson Evans. She says:

Please don't forget me. I've been through war's hell and if only you would listen, I've a story.

SONNY titled his "Dear Colleague" letter, "To Serve Her Country."

The hospital at Cam Ranh Bay—and it is a big hospital, I have been there——

TO SERVE HER COUNTRY

The hospital at Cam Ranh Bay was a long way from Clayton, New Mexico, and events there in 1969 would forever change the life of 23-year-old Dotty Beatty. Assigned to the facility's intensive care unit, the Air Force second lieutenant, like others who served in Vietnam, experienced daily the extremes of war and human behavior. She carries the memories still.

"The Sound of a chopper still raises my anxiety level. I wonder how many, how injured? I think the only people who hear a chopper before I do are the corpsmen and combat vets. For them it was the sound of relief—help for their friends. For me, it was a sound of dread—could I do enough?"

The Vietnam Beatty remembers was "a world with almost no rules, a different value system, different priorities. I find myself making decisions today based on the priorities of that setting."

New young hero—

Mary Foley was on a weekend pass at her parents Haverhill, Massachusetts home in February 1942 when she was abruptly ordered back to Fort Devens,——

which closes next year, by the way.

The 24-year-old Army nurse soon found herself on the U.S.S. Uruguay, bound first for Australia and, ultimately, New Guinea. The initial destination had been the Philippines, but Bataan and the nurses stationed there were under siege and about to fall to the enemy. Foley would not be home again for three and one-half years.

"It was quite an experience for a shy girl from New England," says Mary Foley of the generally intolerable conditions of the island—the jungle, the heat, lack of water and basic medical supplies. Assigned to the tropical disease unit of the 10th Evacuation Hospital, Foley came to dread the toll of the local mission bell.

"The bell was our signal to report to the hospital and to the incoming soldiers sick with typhoid and malaria," remembers Foley. "Considering the climate and the conditions, we took care of them as best we could and gave them as much comfort as possible. Without the nurses, the casualties would have been much worse. We were their lifeline."

Mary Foley continued to be a lifeline for sick and wounded soldiers upon her return to the United States. She worked at Walter Reed Army Medical Center in Washington, D.C. until 1953.

Representing different generations,——

SONNY MONTGOMERY writes——

Mary Foley and Dotty Beatty are linked by a profound sense of duty and love of country. As witnesses, often from the front row, and full participants in the struggles which have taken our nation from Lexington to Mogadishu, women have been premier contributors to the cause of freedom and political stability worldwide. From desk to field, from ship's deck to cockpit, from triage to battlefield, women have endured the horrors, stress, fatigue and other inevitable results of war. Women can proudly claim more than an ancillary role in U.S. defense.

And now at long last the time of national recognition has come. Tomorrow, on Veterans Day, November 11, 1993, a memorial in honor of women like Dottie Beatty will be at 2 o'clock near the Veterans Memorial. There were more than 11,000 women who served in Vietnam. It will be dedicated on the two and a half acre site of the Vietnam Veteran Memorial in Washington. It will be the first memorial in the Nation's Capital to specifically honor women's military service. Behind this poignant tribute, a statue depicting three Vietnam era women, one of whom is caring for a badly wounded soldier, is an equally poignant message. Had it not been for our women who served in Vietnam, 90 percent of whom were nurses, there is no doubt there would be more names of young heroes appearing on the polished granite panels of the wall which lists the war's fallen.

□ 1820

I have four more little paragraphs here.

Of the dedication Beatty says:

There will be women who are confronting for the first time the fact that they were in Nam, and there will be men who were injured who will be looking for their nurse. It will be a powerful time for healing.

Recognition and healing on a national scale will continue when the Women in Military Service for America Memorial is dedicated in 1996, and the gentlewoman from Maryland [Mrs. BENTLEY] and I worked to make this happen. This memorial, which will include a visitor center, will be placed at the main gate of Arlington National Cemetery.

So, tomorrow, to kick off these next 3 years, the memorial that we all see tomorrow at 2 o'clock will be moved across the river, closer to the Pentagon, at the main entrance to the long, beautiful drive that has many beautiful statues on each side to our airborne guys, to the merchant marine forces. They are beautiful statues all the way down that long drive, but the entire end area right at the foot of the hill that goes up to the grave of President John F. Kennedy, that used to be just like an empty grotto is going to be completely beautified and dominated by this statue of these three combat nurses and the wounded American soldier across the lap of one of them. That is where it will rest for as long as this country survives. It will recognize the dedication and valor of 1,800,000 women in uniform who have responded to aggression, despotism, and humanitarian

challenges and threats to America's security, and they are in Mogadishu as we speak tonight.

These two memorials are much more than mere symbols of atonement for the societal slight of the contributions of women in our Armed Forces. They will be tangible, lasting reminders of the selflessness of an extraordinary society. Women veterans, they have achieved a place of great distinction in our history and, of course, in our hearts.

Of our total veteran population living of 27 million there are surviving, as veterans, 1.2 million women who, every one of them, was a volunteer for service. They, too, served under difficult and hazardous circumstances as not just nurses, which I mentioned at great length, but as saboteurs, as scouts, as couriers, as switchboard operators, as stenographers, as skilled translaters, as pilots. Who will ever forget Jackie Cochrane, the great corps of Wasp pilots flying the hottest fighter aircraft that American Army pilots had delivered to them by these great ladies? A number have been highly decorated, including combat related rewards. Some were prisoners of war, the aforementioned nurses captured at Bataan and Corregidor. A submarine managed to get a great number out, but the older ones, the senior ones, the more experienced ones, the old-timers who were in their mid-twenties, many of them stayed behind and continued nursing in the dreaded camps of Cabanatuan and San Tomas. Some remain buried in our U.S. cemeteries overseas. All have been important to both wartime and peacetime efforts.

The fact is that we owe a great debt to our women veterans for their achievements, a debt that goes beyond granite or bronze commendations, important as they are.

So, on November 11, tomorrow, Veterans Day, a day that my dad celebrated in 1918 in the trenches of France where he had just won his third wound chevron, what we now call a Purple Heart, on the 11th hour of the 11th day of the 11th month of 1918. It was quite a thrill for over a million young Americans who were in our first international conflict in the name of liberating other people and freeing part of another country, France, and then some of them, and their sons at their side, did it all over again. Remember there are 22 sets of brothers in the battlefield memorials of Normandy; the 50th anniversary coming up this June 6. One father and one son, and that father had fought in France before and lies right next to his son in those beautiful fields of our Normandy cemetery.

So tomorrow, on this great American memorial day, take a moment to contemplate the contributions. The gentleman from Mississippi [Mr. MONTGOMERY] says of Dottie Beatty, Mary Foley and the hundreds of thousands of women who have served in our Armed Forces, "In the chronicles of patriotism and freedom there is a story that captures the spirit, the courage and the inspiration that is America," and I would add that very essence of what makes us the land of the free and the home of the brave.

I gladly yield to the gentlewoman from Maryland [Mrs. BENTLEY], my distinguished colleague, who has yet to achieve even greater heights of glory serving her country.

Madam HELEN BENTLEY.

Mrs. BENTLEY. Madam Speaker, I want to thank the gentleman from California [Mr. DORNAN]. I thank the gentleman from California for yielding his time, and I want to say he has provided much insight into the situation in Somalia. I am also very please that he discussed the role of women in combat and the role that the women have played throughout our history of the world wars of Vietnam, Korea, et cetera.

I was in Vietnam for several months, I say to the gentleman, and I saw firsthand what the women did over there and what an important role they played, and I am so delighted that the gentleman mentioned that tomorrow the memorial is going to be dedicated.

I want to again thank the gentleman from California for all that he is doing to keep alive for the people of America all of the activities that our veterans have performed and continue to perform, and again I thank him for his insight on Somalia.

Mr. DORNAN. I say to the gentlewoman, "Thank you, Mrs. BENTLEY, and thank you for those friendly and kind words."

I would like to put in the RECORD, Madam Speaker, an article from U.S. News and World Report back in September called "A Trip Back to D-Day". Veterans will hit the Normandy beaches next June in search of memories, and our great colleague, the gentleman from Florida [Mr. GIBBONS] who bailed out in the middle of the night of June 6, our great reporter of official debate, Chris Heil, who sits here many hours day in and day out like our good folks that are on the floor now, Chris hit the beach at about the same time SAM GIBBONS, great Congressman from Florida, was bailing out behind the lines. Chris, and I am sure SAM, would agree, as tough as SAM'S job was, and I think one of the greatest photographs of World War II, and I saw it again in the dining room at one of the dining rooms of Fort Campbell, KY, great airborne base, 101st Airborne. Here is General Eisenhower talking to these 101st Airborne troopers with their mohawk haircuts, their American flag sewn to their right shoulder.

□ 1830

So that those that bailed out, unfortunately, maybe it was 82d Airborne guys, over the little village of Sainte-Mère-Église and got hung up in the trees and were machine gunned to death by a German unit that we did not know was in that area. Those men actually were the first Americans to fly Old Glory over occupied Europe—although the flags they were flying were sewn to the field jackets of their dead bodies.

I remember using that example against the flag burners of America, Morton Halperin, out there lobbying against me, that how could anybody who had ever visited Sainte-Mère-Église and seen where Sgt. John Young hung from the spire of a small little Catholic church, playing dead because the Germans machine gunned him and only knocked the heel off his boot, but all the other men, he could look down and see them hanging dead in these small, beautiful, pruned trees in that little idyllic village. How could anybody who had ever seen a picture of those bodies there, if you never read the factual stories of that, at least remember the great Zanuck film, The Longest Day, where John Wayne played one of our commanders, I forget whether he was Maxwell Taylor or John Gavin or one of the regimental commanders. But he looked at all these troopers hanging dead from those trees with those American flags sewn to their combat jackets, and I can still hear John Wayne's voice saying, "Cut 'em down."

Well, let us put this article in the RECORD, Madam Speaker.

Here is another one on McNamara's ghost, from the Baltimore Sun. I think it is germane to some of the battles that we are having now. I would like to put this into the RECORD, when it talks about McNamara's band, the systems analysis people that quickly became known by that title throughout the Pentagon, they sought to quantify everything.

You know, the worst thing Robert "Strange" McNamara ever said was that our college kids were the future of our country. He is talking about Bill Clinton types. Therefore, they should be exempted from the draft.

What he was forgetting was that every single Air Force, Marine, and Navy officer that he was sending to their deaths off the aircraft carriers and from the air bases of Vietnam, big F-4 Phantoms, F-105 Thunder Chiefs, going against footbridges, losing these men, they were college graduates. They were, almost every one of them, married. They left beautiful heroic wives behind and beautiful little children that I meet today, grown up young men in their twenties and thirties, who talk about their heroic dads that flew against communism in Indochina and that rightfully have a piece of that Berlin Wall that came down 4 years ago yesterday.

Let me also put in the RECORD, Madam Speaker, the 75th anniversary

coming up tomorrow of World War I, my dad, Harry Joseph Dornan's war, a combat artillery man. He came close to dying more than once. One time he was on a train that went off the track and rolled down the hillside. It had a hot stove, and the stove was rolling around inside, killing men, burning men. And when the car came to a rest at the bottom of the hill, my dad was on the bottom of the pile drenched in blood. He said he laid there thinking, where is the pain going to come from first? And then as he felt his body, he realized that he was totally uninjured and that he was drenched in the blood of the young enlisted men in his command.

Tomorrow is the 50th anniversary of the Pacific Bougainville campaign of World War II, and also the Italian campaign. I will put this in the RECORD.

Madam Speaker, let me close by stating that I will put two other articles in on this Veterans Day. One is called "Let's Remember What Veterans Did in the War," again from the Army Times, and a final one by Robert C. McFarland, Marine lieutenant colonel, served the Reagan administration well. His title is "Consider What Star Wars Accomplished." That is something to contemplate on this Veterans Day tomorrow, that Ronald Reagan won the cold war without ever firing a shot. Margaret Thatcher gave him that great credit in history.

Madam Speaker, the documents, articles, and other matters I referred to in my special order tonight follow:

CURRENT DEFENSE POLICY, INVITATION TO DISASTER?

(By Congressman Pat Roberts)

First, let me say how much I appreciate your invitation. Special thanks to Jim McVey and to Sergeant Schuler. Simply put, it is both an honor and a privilege to be with you as we celebrate the 218th birthday of our proud Corps. Semper Fidelis.

As a matter of fact, we just had similar ceremonies in our Nation's capital with the Commandant, General Monday, with 19 members of Congress who bear the title of U.S. Marine collectively serving 224 years.

One of my marching orders in getting ready for this particular mission was to provide a title for my remarks. I was reading some additional commentary about what we did or didn't do in Somalia, what we are doing or not doing in Haiti and Bosnia and my blood pressure went back up to its normal Washington boiling point.

I thought about "The Modern Marine Corps in the Current Clinton Minefield." My staff said that was a bit harsh. So we changed it. I will now visit with you about, "Current Defense Policy, An Invitation to Disaster." There must be a subtle difference there somewhere.

Well, defense policy in just a moment. First, this word about the "Old Corps." All former Marines, especially those of my vintage, are entitled to tell it like it was in the "Old Corps." After all, the reliving and exaggeration of what actually happened is the stuff we would like to think we are made of.

Its been a long time but I cannot help but remember the first birthday ball I attended—some 33 years ago—Third Marine Division—Okinawa—Kadena Air Force Base. One 2nd Lt. Roberts was suddenly in charge of the cake detail. I was collared from the ranks when the original officer in charge celebrated like we were in Tun Tavern and could not perform the mission.

A Marine hallmark is to be flexible. We were flexible. The command to yours truly from the Chief of Staff Stallings—a man we affectionately called Stud Stallings—was:

"Roberts, roll that damn cake back to where the x is on the floor and when I say the word, hand me the sword and get the hell out of the way."

Which I did and the 184th birthday was safe and secure.

Then there was the 213th celebration at the Sheraton Park Hotel in Washington where yours truly was asked by Lt. Gen. Etnyre to address all of the Marines stationed at Headquarters Marine Corps.

I want you to know I made my fellow Marines proud, some 2,000 in the seats and rafters, with remarks that doubtlessly live in their hearts and minds. Except of course, when I turned the wrong way on a dance floor slicker than the one in old Cow Town in Dodge City. I ran smack into the General. He survived this sudden frontal assault, adjusted his cover and we made the best of it.

This evening I believe all cakes and generals are safe. I am not too sure about anything else.

When we honor and celebrate the Marine Corps birthday, we do so with a sense of pride in the glory, history and honor that we pass from one generation to another in General Lejune's time honored message. We extol the virtues of courage, intelligence, integrity and leadership. That is how it should be. But, what makes up the soul, if you will, of our Corps is not only the chapters of our proud history but your contributions, your thoughts, your feelings, your experiences, your snapshots in your own Marine Corps album.

If you please, some personal snapshots out of my Marine Corps Album:

The first is that of my father, Major Wes Roberts, who at 42, ignored the age restrictions, and joined the Corps in the midst of World War II and saw action in Iwo Jima and Okinawa. Fifteen years later, his son stood atop Mt. Suribachi with former members of the 27th Marines, thankful they were still alive and shedding proud tears for those who were not. That was an experience I shall never forget.

A second snapshot: General Victor J. Krulak ordering the Publications Branch of the Eduction Center at Marine Corps Schools, Quantico, VA: "You will publish a guerilla warfare manual in 90 days." It was in the first year of the Kennedy Administration and Defense Secretary MacNamara was enamored with so called "brush-fire" engagements and the newly created Army Special Forces. We Marines were playing catch up. Heading up our group was then Colonel, now retired General Oscar f. Peatross, the hero of the Makin Island Raid, then colonel, now retired General Ed Simmons, one of our most renown authors and historians, and one six-foot, four-inch, 250 pound colonel, now retired Commandant, Bob Barrows, veteran of the HUK guerilla action in the Philippines.

I especially remember Bob Barrows. When we had to get out from behind our desks and take the new PT test, Lt. Roberts had to lug 250 pounds of Col. Barrows in a firearm's carry for 100 yards under simulated fire. I actually carried the future Commandant!

I reminded him of that when, as a Member of Congress, he had us over for breakfast. His response was, "Roberts, I don't remember you carrying me but I sure as hell remember carrying you and I was over 40 years old."

Well, I don't know who carried whom but the point is we relied on each other with a special bond because we understood who and what we were and what our mission was as United States Marines. To that mission we are truly always faithful. Semper Fidelis.

It's that "always faithful" business that I want to talk about for faith is indeed a two-way street. When I graduated from Kansas State University, home of the fighting Wildcats, the draft board of Jackson County just north of here, thought it only fitting that I be put at the head of the selective service line. Plain language, I was drafted. Now, I figured a college graduate like me had more to offer than spending two years in the Army—with all due respect to my Army buddies and relatives.

I asked for a delay and spent a month going from recruiter to recruiter saying in effect what can the Army, Navy, Air Force, do for me. Until I got to the Marine Recruiter—a Major mad at the world sitting behind a desk with a huge red sty in his eye. When I asked what the Marine Corps could do for me, he responded by saying:

"Get your damn hand off my desk. What the hell do you think you can do for my Marine Corps? You'll be lucky to get a dry foxhole if you survive boot-camp which I doubt."

Then he said this:

"Young man, if you join the Corps, you will become part of the greatest fighting force in the history of the world and if you get in trouble, if you are pinned down, we'll send the squad, platoon, company, regiment, division and if necessary the whole damn Marine Corps * * * and son, no one has ever stopped the Marine Corps yet."

Well, even a small town kid from Holton, Kansas could recognize a gun-ho recruiting pitch. But, that pitch was wrapped with elements of commitment and purpose that are basic and fundamental.

That brings me to the basic point of my remarks. I am extremely concerned that basic commitment is missing as we try to meet the challenges of the first obligation of the Federal Government—to provide for our national defense.

In this regard, those who cannot remember the past are condemned to repeat it.

Almost 20 years ago, my predecessor, Congressman Keith Sebelius, a veteran of World War II and Korea said:

"There must never be another Vietnam. Our nation's 15-year effort in Southeast Asia should not be a matter of blame but a tragic lesson to be learned. We must not waste American lives and resources in political wars of gradualism in the future."

Keith went on to say, "Escalation in a war where we have ruled out military victory does not make sense." When you think about that statement one wonders why on earth it was even necessary!

Those in charge of current foreign and defense policy—and that certainly includes the Commander-in-Chief—and all of us in the Congress would do well to listen to the advice of former U.S. Senator Richard Russell, the Georgia Democrat who was Chairman of the Senate Armed Services Committee during the Vietnam War.

"As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American serviceman overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable."

Those classic words reflect the commitment the plain language recruiting pitch that Marine major gave me.

Senator Russell went on to say, "It is confession of moral weakness on the part of this country not to take any steps that are necessary to diminish the fighting power of our enemies. We hear a great deal about limited wars, but I would point out that there is no such thing as a limit on the actual combat in which men are engaged. While it may be a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them.

Now some in our government continue to remind us the Cold War is over and now we face new challenges and that things have changed given the New World Order, or to be more accurate, New World Disorder. In some respects that is true but let me emphasize the rules of military engagement, and the value of each American life have not changed one whit!

Now, in the past 40 some years, we fought two, no-win wars with limited objectives and unlimited combat, casualties and loss of life * * *. Korea and Vietnam. In both, military commanders received their instructions from civilians in government and we, indeed, escalated our involvement in wars where military victory was ruled out.

Can it happen again?

Since 1986 there has been a defense build down, NOT build up. Defense budget authority has declined 27% in real terms. If the Bush defense plan been implemented, the decline would have been 32% over the next four years. Under President Clinton's budget, that decline is closer to 45%. Under either Bush or Clinton, the defense budget as a percentage of Gross Domestic Product will be at the lowest levels since the end of World War II.

During the past four years, the Base Closure Commission recommended the closure or realignment of 172 domestic bases. More are coming. Since 1990, U.S. military strength in Europe has been cut 50% and will continue to drop * * * unless, of course, President Clinton sends troops to Bosnia.

Candidate Clinton promised to cut defense another $60 billion more than President Bush. President Clinton is cutting the defense budget $127 billion with force levels at pre-Korea levels.

These numbers and this policy might make sense if the world was not such a dangerous place. Yet, the President's own policy objectives call on U.S. military forces to serve around the world and here at home in an expanding number of missions that invite military engagement. The Cold War may be over but history is not and the Cold War freeze is thawing with a vengeance.

Can it happen again?

Prior to Vietnam, the talk of the day was that we would no longer rely on strategic deterrence, that the national interest was in so called "brush-fire" wars, guerrilla actions, and the pacification of emerging nations. Sound somewhat familiar? Then it was Laos, Cambodia and Vietnam. Today it is Bosnia, Somalia and Haiti.

Did you know that the UN is currently involved in 18 peace keeping operations with eight more being proposed and that some 50,000 American troops are directly or indirectly involved? Are the American people aware of the extent of this involvement?

Did you know that in the last two months our UN Ambassador voted to approve our involvement in another three missions—Haiti, Liberia, and Rwanda—all without notifying or consulting with the Congress and paying about 32% of these UN operations without hearings or direct appropriations?

Did you know that before the infamous briefing on Somalia by Defense Secretary Aspin there was a congressional briefing last spring when we were told the President was, in fact, sending 60,000 troops into the Civil War in Bosnia? Remember this is the terrain where Tito and his guerrillas held off the Russians for the entirety of World War II. Thank goodness our allies said no.

Did you know that when Defense Secretary Aspin and Secretary of State Christopher briefed the Congress on Somalia—this was before we knew the Secretary refused the request for supporting armor—there were more questions than answers? I am quoting now from Secretary Aspin at that briefing:

"This has been a sobering experience and we are trying to sort through it. Our plan is now working well. We need a better plan. We need a time table. What do you think?"

Now that question was asked of some 250 members of Congress who expected at least some declaration of policy and contingency plans. The Congress cannot do that. Collectively, we cannot even decide when to adjourn, let along conduct foreign policy and military operations.

Did you know that when our Rangers came under increased attack there was armor a relatively short distance away—Russian tanks, if you will, under Indian command. To get clearance to come to rescue of the Rangers, the Indian command would have had to obtain clearance from the UN command. The UN command was in New York where 30 employees out of 14,000 were manning a command and control office from nine to five!

A most important part of our nation's foreign policy obviously relies on our intelligence capability. Part of the mistake made in Southeast Asia were a result of faulty intelligence.

Can it happen again?

The effort to track down Aidid and to estimate his troop strength and the situation that led to casualties and loss of life that should never have happened resulted from weak human intelligence, inadequate spy equipment and little if any exchange between the U.S. and the UN forces. The intelligence operation was hampered from the first by a disjointed command structure and officials who reported to other capitals and had conflicting policy views.

The first Somalia mission was humanitarian. The second was military—the capture, arrest, and trial of General Aidid and the disarmament of his troops. Apparently, the third is now to work out a settlement with Aidid. In the meantime Aidid and the leaders of the other 12 clans are re-arming awaiting the March deadline for withdrawal of UN and U.S. troops. What do you think will happen?

Finally, let us talk about the use and misuse of American power and force. Is it happening again?

The Defense Department, following the advice given to Defense Secretary Aspin by Chief of Staff General Colin Powell, listed key concerns that should have been met before we sent 600 troops to Haiti to assist in the restoration of the deposed President Aristide. They were over ruled by the State Department. And so they went—to be turned back by a motley bunch of thugs.

Thank goodness the decision was made not to commit our troops to what would have been another Somalia on a grander scale but the original decision to show the flag and then withdraw it, simply encouraged the current regime in Haiti. The result was the murder of a Haitian Justice Minister who had been working with American officials on reforming the police. Just as we are ending our involvement in Somalia six months too late, we are getting dragged into Haiti. We have now tied our power and prestige to the restoration of a man who our intelligence officials say is unstable and incited his followers to torture and violence!

The practical result of all this has been a collapse of confidence in the Congress regarding the ability of this administration in the conduct of foreign and military policy.

Senator Bob Dole and others in the Congress have debated whether to prevent the President from sending troops to Haiti without prior congressional approval. To some, this debate may sound like the renewal of the War Powers Act. In fact, it was a vote of no confidence in the President's ability to conduct foreign policy.

Let me stress it is important that we not tie any President's hands in case of emergency. He is, in fact, the Commander in Chief. Again, the Congress cannot and should not conduct foreign policy but we must not permit mindless intervention where we now have commitments in places where we do not have strong national interest.

The fatal error is not in cutting our losses, but incurring them at all in places that do not involve our fundamental interests.

Now, maybe campaign promises have little consequences. Remember the famous middle income tax cut? But, I can assure you in foreign policy promises become commitments. When we cannot fulfill those commitments those within these countries are left hanging when we turn tail.

There is an irony to all of this. If former President Bush did not focus on domestic issues, President Clinton's interest seems to stop at the water's edge. That is an exceedingly dangerous situation. In being critical of current policy, we should be careful not to join a cut and run stampede. Isolationism is not the answer.

The restoration of a rational and strong foreign and defense policy lies squarely with the Commander in Chief. It may be a distraction for President Clinton but as we have seen in Somalia, it is life and death for our men and women in uniform.

Ask Mary Cleveland of Norfolk, Virginia, whose son was dragged through the streets of Mogadishu. Ask Mike Durant, the helicopter pilot just out of the hospital who was very nearly killed by a crazed mob. Ask the Rangers, who decided to stay with the body of the dead helicopter pilot, waiting for reinforcements. Criticized by an unknown senior official in the Pentagon, Ranger Platoon Sergeant Robert Gallagher said this:

"The Rangers have a bond. Whether you are killed or wounded, someone will look after you."

God bless him. Shame on his nameless, faceless critics. The Rangers lost 18 men without any gunship and tank backup. They inflicted almost 1,000 casualties on General Aidid's forces. In spite of all of the problems with a civilian run operation, limited rules of engagement in hostile territory, and the lack of necessary equipment, the Rangers did one hell of a job.

My fellow Marines, this continuing debacle must end. We in the Congress must be vigilant in our oversight and review and insist this Administration meet our foreign and military policy challenges and responsibilities. There is nothing wrong with a healthy debate in defining our national interests.

While I do not believe it is in our national interest or feasible to commit troops to

achieve political goals in Bosnia, Somalia and Haiti, the use of force will be necessary at some future date somewhere in a troubled and dangerous world.

While our attention has been focused on recent events, Secretary of Defense Aspin just came back from Korea where we see the continuing development of nuclear weapons. And, if you thought Saddam Hussein was public enemy number one, wait until you see Kim Jong Il. A nuclear North Korea sets off an arms race in South Korea, Japan, China and Russia. The North Koreans have a million man army with no other purpose but to once again invade South Korea.

This business is not peacekeeping, nation building, pacification or brush-fire involvement. It is serious business that is in our national interest.

It goes without saying I have been critical of President Clinton regarding the Administration's handling of our foreign and defense policy. I do not mean my comments to be partisan. I do mean them to be food for thought and a call for all Americans to insist we not repeat past mistakes. I will continue to insist on a healthy debate in the Congress with optimism we can unite behind our President in the conduct of America's best interests.

As General Lejune said in his original birthday greeting, "We have received from those who preceded us the eternal spirit which has animated our Corps and has been the distinguishing mark of Marines in every age. So long as that spirit continues to flourish, Marines will be found equal to every emergency in the future as they have been in the past and our Nation will regard us as worthy successors to the long line of illustrious men who have served since the founding of our Corps."

In behalf of our great Nation, our President and our Corps, thank you and Semper Fidelis.

[From Human Events, Sept. 25, 1993]

JANE FONDA NEXT?—SENATE MAY SOON APPROVE ALARMING HALPERIN APPOINTMENT

Short of treason, what does it take to disqualify someone from securing a key position in the Clinton Administration's Defense Department? Nothing, apparently. So "civil libertarian" Morton Halperin, who collaborated closely with some of America's most vociferous enemies during the Cold War, may yet become assistant secretary of defense for democracy and peacekeeping.

Should Halperin be confirmed, he will have enormous sway over U.S. defense policy, including, it seems, sharing responsibility for putting American troops under United Nations command. He will also have access to our most precious military secrets, the very kinds of secrets he ferociously sought to divulge to the world when the Soviets were threatening us with nuclear annihilation.

The idea that this former, highly influential ACLU figure may actually be confirmed to such a powerful position within the Pentagon has positively alarmed influential members of the national security community.

Nevertheless, he may very well end up getting the job. No Clinton appointee, it should be noted, has yet been defeated on a vote by the Senate, where the Armed Services Committee, chaired by Sam Nunn (D.-Ga.), is supposed to take up the nomination shortly.

So far, not a single Democrat has had a bad word to say about Halperin, an ominous sign for his detractors. The Republicans on the panel are virtually united against him—William Cohen of Maine is still riding the fence—but no one has yet become the point man in opposition.

And where is Senate Minority Leader Robert Dole (Kan.) in all this? Too silent for those who believe, like us, that the GOP should be turning the Halperin selection into the burning national defense issue it deserves to be. Hence the concern that Halperin may be approved after all.

Meanwhile, a curious alliance of the far left (the once Stalinoid Nation magazine, for example), a few ultraliberal "defense experts" (Alton Frye, Arnold Kanter and Jeremy Stone), a clutch of neoconservatives at the New Republic and even an important conservative writer for the Wall Street Journal have begun to rally around the Halperin flag.

Nothing in Halperin's past appears to distress those rushing to his rescue. They're willing to ignore or even forgive his working with Soviet sympathizers and Vietnamese espionage agents to savagely undermine our national security and intelligence operations, his efforts on behalf of those who blew some of our most sensitive secrets during the Cold War and his support of CIA turncoat Philip Agee, the revolutionary Socialist who deliberately exposed hundreds of our CIA agents around the world.

When Agee "outed" our CIA station chief in Athens, Richard Welch, and Welch was subsequently assassinated, guess who came to Agee's defense? But even this astonishing embrace of Agee hasn't bothered Halperin's supports.

They are apparently willing to have elevated to a key defense post a man who was so egregiously wrong about the Soviet Union that he was willing to proclaim:

"The Soviet Union apparently never even contemplated the overt use of military force against Western Europe. * * * The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one."

He also said: "* * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law."

Really, is this the sort of fellow the senators want to entrust with America's survival?

In the great historic battle between Soviet communism and Western democracy, Halperin, invariably, was on the wrong side. But, tush, say his more conservative supporters, what's a few mistakes among civil libertarians?

Instead of assailing Halperin, who should be permanently donning sackcloth and ashes for his abysmal record on defense and foreign policy issues, the alliance has decided to train its guns on former Reagan defense official Frank Gaffney of the Center for Security Polity. Gaffney's crime? He has effectively disseminated factual information about Halperin that should move every normal, red-blooded senator—Democrat or Republican—to veto his nomination.

Gaffney's research on Halperin, contained in a 36-page notebook circulated to both staffers and U.S. senators, is impeccable and can't be refuted. He's let Halperin hang himself by simply publishing lengthy, in-content Halperin quotations ranging from the positions on the Soviet threat to U.S. intelligence operations. Using a wealth of reputable material, including congressional hearings, the Gaffney document also convincingly rebuts efforts by Halperin's defenders to perfume his past and portray him today as a hard-nosed defense specialist whose actions are tempered by deeply held civil libertarian instincts.

Halperin's most remarkable apologist is the Journal's Paul Gigot, viewed by many as a stout conservative. But even Gigot admits that Halperin turned "wildly naive" on most issues of the Cold War, especially in "perceiving a 'defensive' Soviet Union."

Gigot, however, is altogether forgiving, while chastising conservatives for allegedly stretching the truth about Halperin and engaging in "reverse 'Borking.'" "Republicans and especially conservatives * * *," he writes in a reproving tone, "may want to ask if being wrong about the Soviet Union and Vietnam is a lifetime disqualification for public office * * *."

When you're talking about a national security job, Paul, that sounds good to us. Why in blazes shouldn't it count as a lifetime disqualification to be wholly, irresponsibly wrong on the most serious threat ever to this country's survival?

Halperin's Cold War performance, we would suggest, is not precisely the job resume expected for an assistant secretary of defense. And if we accept Halperin today, why not Jane Fonda or William Kunstler tomorrow?

Many Human Events readers may have come to know more about Halperin than they care to in the last few weeks, but for those who may have come in late—and for those senators who may be on the fence—we'd like to recapitulate just a small number of his most outrageous activities and associations:

Josh Muravchik, a neo-conservative who is opposed to Halperin, made this point in the August 1993 issue of Commentary. Morton Halperin, he noted, has been "a veteran battler for causes that ranged from liberal to hard-left. From the mid-1970s until the mid-1980s, for example, Halperin served as the director of the Center for National Security Studies, a spin-off of the radical Institute for Policy Studies (IPS).

"He also served as chairman of the Campaign to Stop Government Spying, an anti-intelligence coalition numbering among its member organizations the Black Panther Party, the Committee for Justice for Huey P. Newton, the National Committee to Reopen the Rosenberg Case, Women Strike for Peace, the National Lawyers Guild, the National Emergency Civil Liberties Committee and sundry other hard-left groups."

National security expert Francis J. McNamara, whose writings on Halperin have appeared in Human Events, stresses that Halperin's philosophy during the Cold War boiled down to the following. He would "strip the intelligence agencies of the weapons which the courts, Congress and the executive have found to be essential to the achievement of their mission—secrecy.

"He would make public their budgets, ties with academics and other sources, control of proprietaries, etc. He would go so far as to compel disclosure not only of diplomatic negotiations, but all research on new weapons systems * * * and would even oppose CIA covert action taken to prevent Libyan dictator Muammar Qaddafi from sneaking nuclear weapons into New York harbor. All covert action by the CIA and other agencies would be brought to a halt.

"The FBI, if Halperin had his way, would not be allowed to investigate anything but crime. All domestic intelligence collection would cease—by law. All wiretapping, too, would be brought to a halt, even that used to catch spies and learn the intentions, plans and plots of nations hostile to this country."

Halperin testified on behalf of David Truong, an anti-Vietnam War activist, who, along with Roland Humphrey, a USIA officer, was convicted of espionage in January

1978. They were charged with taking classified documents from the USIA, then turning them over to Communist Vietnamese officials.

Halperin made light of the documents that had been admittedly purloined, but the prosecution responded by saying that some of the materials, including a U.S. Embassy report on anti-Communist activity in Laos, did, in fact, contain information vital to our national security.

State Department officials, furthermore, insisted that individuals who were confidential sources of information for the U.S. were jeopardized by the activities of Truong and Humphrey, who eventually were sentenced to prison for 15 years.

And there's this interesting footnote (see Human Events, September 4 issue, page 5): Truong, free on bail in February 1979, pending the outcome of his approval, attended a party staged by the Campaign for Political Rights celebrating the release of a "documentary" against the CIA, the FBI and other U.S. intelligence agencies. A smiling Halperin, who headed the CPR, posed for a press photo with the convicted Truong.

Halperin was, indeed a strenuous defender of CIA renegade Philip Agee. Extraordinarily, however. Halperin's defenders are in a state of denial.

"Another charge that slides into distortion," says the Journal's Gigot, echoing Halperin's left-wing boosters, is that "Mr. Halperin 'aided and abetted' Phillip Agee, a genuine scoundrel who leaked names of CIA agents in the 1970s. It's true Mr. Halperin showed bad judgment in testifying in Britain that more evidence should be heard before Agee was deported (which he was anyway). But his error seems rooted in the libertarian zealot's mistrust of all secrecy. He has always said that leaking agent's names is wrong * * *."

The "slide into distortion," however, is Gigot's. First off, we can only wonder why Gigot would suggest that a "libertarian zealot" be allowed a high position in the Pentagon where he would have access to our most precious secrets. Surely, this is akin to putting the family drunk in charge of the liquor cabinet.

More to the point, Halperin may have always said that leaking agents' names is wrong, but he still did his damnedest to praise and protect Agee in his zealous efforts to leak the names of agents.

Halperin traveled 5,000 miles to London in 1977 to assist Agee in his anti-deportation hearings, even though Agee had already become a notorious leaker of CIA names and had informed Esquire a year earlier that "I aspire to be a Communist and a revolutionary."

In September 1975, in his publication First Principles, Halperin also lavished praise on Agee's book Inside the Company: CIA Diary for having supposedly exposed how the CIA operates in Third World countries. Most curious, in view of Halperin's insistence that he never favored the leaking of names, is that he never mentions—and certainly fails to condemn—the fact that the book he heartily endorses reveals the names and identities of over 700 people in all parts of the world Agee claims were officers, agents and cooperators with the CIA.

"CIA News Management," a column by the nominee, was published with Halperin's permission in Agee's 1978 book, Dirty Work. Publisher Lyle Stuart proclaimed in a newspaper ad for the book that it contained "a list of more than 700 CIA agents currently working in Western Europe. It completely blows their cover."

Stuart added: "But Dirty Work is more than that. A comprehensive picture of the CIA emerges in Dirty Work. [Two other contributors] * * * and Morton H. Halperin have all shown considerable courage in informing America about the seamy side of American espionage * * *."

And this only touches on Halperin's defense of Agee and his activities. Gaffney, in short, is right on the money when he charges Halperin with "aiding and abetting" Agee with his campaign to expose the identities of CIA agents overseas.

Morton Halperin, in truth, is a dangerous choice to handle America's defenses or to be anywhere near top-secret materials. His notoriously poor judgment in the past gives every senator, Democrat or Republican, liberal or conservative, ample justification to vote against his nomination. The American grass roots should bombard their senators in opposition.

[From Human Events, Sept. 25, 1993]

WILL COLBY TESTIFY IN FAVOR?—ARMED SERVICES POISED FOR HALPERIN NOMINATION

Morton Halperin, President Clinton's selection for the newly created post of assistant secretary of defense for democratization and peacekeeping, is hoping to round up heavyweight support for his controversial nomination.

Indeed, Scott Cohen, a former CIA official who served as a key aid to ex-Illinois Sen. Charles Percy (R), who chaired the Foreign Relations Committee in 1981, has come to Halperin's assistance. He's telling Armed Services Committee staffers that, while he didn't always agree with Halperin, he viewed him as an "honest civil libertarian."

He has also left the impression with staffers that former CIA directors William Colby and Stansfield Turner would be willing to testify on behalf of the former ACLU official. (Cohen informed us that, while he had not been personally in contact with Colby, for instance, he had heard that he would be willing to testify in Halperin's favor.)

Should Colby, Turner and, perhaps other ex-CIA officials go to bat for Halperin, this would be ironic in the extreme, since, as Human Events has documented in detail Halperin has waged a sustained campaign to cripple the CIA's effectiveness.

Republicans on the Senate Armed Services Committee, save for William Cohen (Maine), are, however, said to be still united in their opposition to Halperin, no matter what Colby or Turner or other important members of the national security community (decide to do. Among those who are thought eager to confront Halperin over his past are GOP Senators Strom Thurmond (S.C.), ranking Republican on Armed Services, Trent Lott (Miss.), Lauch Faircloth (N.C.) and Dan Coats (Ind.).

Halperin, these Republicans and their staffers believe, is afflicted with dozens of important vulnerabilities, including his penchant for supporting unsavory characters who were eager during the Cold War to assist America's Communist foes.

Not widely known, for instance, is that Halperin came to the assistance of David Truong, an anti-Vietnam War activist who, along with Roland Humphrey, a USIA officer, was indicted for espionage in January 1978. The indictment charged that Humphrey had taken classified documents from the USIA, then turned them over to Truong, who, through couriers, delivered them to Communist Vietnamese officials. (See Francis McNamara article in Human Events, Dec. 29, 1984, page 10.)

Both Truong and Humphrey-acknowledged they had turned over the purloined documents to Vietnamese agents in France, but they maintained they were not guilty of espionage because the papers they transmitted were not harmful to U.S. security. The ever helpful Halperin, a witness for their defense, expressed doubt that some of the papers had been properly classified and cavalierly dismissed the others as not being related to national defense.

The prosecution responded by saying that some of the materials, including a U.S. Embassy report on anti-Communist activity in Laos, did, in fact, contain information vital to our national security. State Department officials, furthermore, insisted that individuals who were confidential sources of information for the U.S. were jeopardized by the activities of Humphrey and Truong.

Despite Halperin's vigorous effort to get them off the hook, both men were convicted and began serving their 15-year prison terms in January 1982 after an appeals court had upheld their convictions and the Supreme Court refused to review its decision.

There's an interesting footnote to the case. Truong, free on bail in February 1979, pending the outcome of his appeal, attended a party staged by the Campaign for Political Rights celebrating the release of a "documentary" against the CIA, the FBI and other U.S. intelligence agencies. A smiling Halperin, who headed the CPR, posed for a press photo with the convicted spy.

In 1971, Daniel Ellsberg and Anthony Russo, both former employees of the Defense Department and its allied think tank, the Rand Corp., admitted they had unlawfully copied a two-and-a-half-million-word "Top Secret-Sensitive" report on the U.S. role in Vietnam and leaked it to the New York Times and other newspapers. Ellsberg and Russo were indicted on charges of espionage, theft of government property and conspiracy.

Swiftly coming to their assistance was a team of some 35 people, headed by the ubiquitous Halperin. As in the Truong case, Halperin testified that the "Pentagon Papers" as they had become known, would be of little value to the enemy, although this was contradicted by numerous military and diplomatic authorities. (Gen. Lyman Lemnitzer, chairman of the Joint Chiefs of Staff during our early involvement in Vietnam and later supreme commander of NATO, tagged the leak "a traitorous act.")

Equally interesting, however, was Halperin's testimony that the "Papers" were really personal papers belonging to those who had compiled them when they were in the Pentagon: Halperin himself, Leslie Gelb and Assistant Secretary of Defense Paul Warnke. They were not government documents, he said.

It was routine, he went on, for officials in his position at the time, to take their personal papers with them when they left office and that this was not considered theft or a violation of security regulations.

This was a mind-boggling claim by Halperin, especially since the prosecution had discovered that Halperin, in an affidavit he signed when he joined the Defense Department, had promised to return all classified documents. Moreover, Gelb himself contradicted Halperin, telling reporters that he considered the study "government property," not personal papers that could be distributed to the public at whim.

What this incident underscores, of course, is Halperin's virtual disregard for classified materials.

Halperin's biggest Achilles' heel, as viewed by many on Armed Services, has been his support of Philip Agee, the pro-Communist CIA turncoat, who deliberately exposed CIA officials, even when his actions jeopardized these officials' lives.

Three of Halperin's defenders—including liberal defense specialist Alton Frye, Bush's under secretary of state for political affairs, Arnold Kanter and Federation of American Scientists President Jeremy Stone—have sent a four-page letter to committee members alibiing for Halperin. Halperin's "only 'assistance' to Agee," they write, was "to testify at a British deportation hearing in which he urged that the British national security service provide a valid reason for his deportation as required by law."

"Upholding due process for a then ACLU official," the letter goes on, "is not 'aiding and abetting' criminals any more than it would be the crime of 'aiding and abetting' for a lawyer to help a client."

That alibi, however, is not likely to assuage GOP committee members since Halperin has a history of being in Agee's corner. Not only did he travel to England to defend Agee—so small thing, even for an ACLU official—but he constantly defended Agee and his efforts to expose CIA officials and those who cooperated with them.

Halperin favorably reviewed Agee's first book, Inside the Company: A CIA dairy, in 1975, even though Agee thanked the Cuban Communist party for the help it had given him in writing the book, which listed over 700 people in all parts of the world who Agee claimed were CIA officers, agents or cooperators.

In testimony before the House Intelligence Committee in 1978, Halperin assailed the CIA for launching a "disinformation" campaign against Agee and the publication he was associated with CounterSpy, whose listing of the CIA station chief in Athens, according the CIA's William Colby himself, led to that agent's assassination.

There is a ton of other documents that Halperin's opponents on Armed Services can use against him, as Human Events readers are by now aware, but the bottom line remaining: Do the Republicans have the will not only to oppose him, but to go all out for a kill?

TO SERVE HER COUNTRY

The hospital at Cam Ranh Bay was a long way from Clayton, New Mexico, and events there in 1969 would forever change the life of 23-year-old Dotty Beatty. Assigned to the facility's intensive care unit, the Air Force second lieutenant, like others who served in Vietnam, experienced daily the extremes of war and human behavior. She carries the memories still.

"The sound of a chopper still raises my anxiety level. I wonder how many, how injured? I think the only people who hear a chopper before I do are the corpsmen and combat vets. For them it was the sound of relief—help for their friends. For me, it was a sound of dread—could I do enough?"

The Vietnam Beatty remembers was "a world with almost no rules, a different value system, different priorities. I find myself making decisions today based on the priorities of that setting."

Mary Foley was on a weekend pass at her parents Haverhill, Massachusetts home in February 1942 when she was abruptly ordered back to Fort Devens. The 24-year-old Army nurse soon found herself on the *U.S.C. Uruguay*, bound first for Australia and, ultimately, New Guinea. The initial destination had been the Philippines, but Bataan and the nurses stationed there were under siege and about to fall to the enemy. Foley would not be home again for three and one-half years.

"It was quite an experience for a shy girl from New England," says Foley of the generally intolerable conditions of the island—the jungle, the heat, lack of water and basic medical supplies. Assigned to the tropical disease unit of the 10th Evacuation Hospital, Foley came to dread the toll of the local mission bell.

"The bell was our signal to report to the hospital and to the incoming soldiers sick with typhoid and malaria," remembers Foley. "Considering the climate and the conditions, we took care of them as best we could and gave them as much comfort as possible. Without the nurses, the casualties would have been much worse. We were their lifeline."

Mary Foley continued to be a lifeline for sick and wounded soldiers upon her return to the United States. She worked at Walter Reed Army Medical Center in Washington, D.C. until 1953.

Representing different generations, Mary Foley and Dotty Beatty are linked by a profound sense of duty and love of country. As witnesses, often from the front row, and full participants in the struggles which have taken our nation from Lexington to Mogadishu, women have been premier contributors to the cause of freedom and political stability worldwide. From desk to field, from ship's deck to cockpit, from triage to battlefield, women have endured the horrors, stress, fatigue and other inevitable results of war. Women can proudly claim more than an ancillary role in U.S. defense. And now, at long last, their time of national recognition has come.

On Veterans Day 1993, a memorial in honor of women like Dotty Beatty—more than 11,000 who served in Vietnam—will be dedicated on the 2.2-acre site of the Vietnam Veterans Memorial in Washington. It will be the first memorial in the Nation's capital to specifically honor women's military service. Behind this poignant tribute, a statue depicting three Vietnam-era women, one of whom is caring for a wounded soldier, is an equally poignant message: Had it not been for the women who served in Vietnam, 90 percent of whom were nurses, there is no doubt that many more names would appear on the polished granite panels of the Wall which lists the war's fallen.

Of the dedication, Beatty says "there will be women who are confronting for the first time the fact that they were in 'Nam, and there will be men who were injured who are looking for 'their nurse.' It will be a powerful time for healing."

Recognition and healing on a national scale will continue when the Women In Military Service for America Memorial is dedicated in 1996. The memorial, which will include a visitors center, will be placed at the main gate of Arlington National Cemetery. It will recognize the dedication and valor of all 1.8 million women in uniform who have responded to aggression, despotism, humanitarian challenges and threats to America's security.

These two memorials are much more than mere symbols of atonement for the societal slight of the contributions of women in the Armed Forces. They will be tangible, lasting reminders of the selflessness of an extraordinary society—women veterans—which has achieved a place of great distinction in our history and our hearts.

Of our total veteran population of 27 million, 1.2 million are women who volunteered for military service. They too served under difficult and dangerous circumstances as nurses, saboteurs, scouts, couriers, switchboard operators, stenographers, translators, pilots and gunner's mates. A number have been highly decorated (including combat-related awards), some were prisoners of war, some remain buried in U.S. cemeteries overseas, and all have been important to both wartime and peacetime efforts. The fact is that we owe a great debt to our women veterans for their achievements, a debt that goes beyond granite or bronze commendations, important as they are.

On November 11, Veterans Day, take a moment to contemplate the contributions of Dotty Beatty, Mary Foley and the hundreds of thousands of women who have served in the Armed Forces. In the chronicles of patriotism and freedom, theirs is a story that captures the spirit, courage and inspiration that is America.—G.V. (SONNY) MONTGOMERY.

[From the New York Times, Aug. 24, 1993]

CONSIDER WHAT STAR WARS ACCOMPLISHED

(By Robert C. McFarlane)

WASHINGTON.—At a meeting not long ago, I asked Ambassador Vladimir Lukin, chairman of the Supreme Soviet Foreign Relations Committee in the 1980's, what role U.S. policy in general and the Strategic Defense Initiative in particular played in the Soviet Union's collapse. His answer was straightforward: "You accelerated our catastrophe by about five years."

Remarkable. More than remarkable in that an investment of about $26 billion saved us and our allies at least five years of much higher defense budgets—certainly more than $100 billion—not to mention ending an era in which all humankind lived under a balance of terror.

But today the subject of "Star Wars" is raised no in the context of its strategic worth but rather for its potential for scandal—an interesting comment on our political and social values.

Even allowing that the American contribution to the collapse of Marxism was relatively small, that role is no less striking. Anything that shortened an ideological change of such immense consequence is worth serious study.

In 1982, 25 years into the missile age, the U.S. had just about lost the struggle to maintain a strategic military balance based on offensive deterrence. It was clear that the Soviet Union would always be able to put more missiles in the field; it was not inhibited by an elected Congress or competing social demands on the treasury. The U.S. would have to compensate with superior quality, and for a time we did.

But by the end of 1982, when I was deputy national security adviser, two things seemed clear to me. First, we had squeezed just about all the comparative advantage we would find out of our technology, at least in offensive terms. Second, the American people and Congress were getting worried about a strategy that relied on building more and more nuclear weapons.

But what to do? We had to find a way either to get the Soviet Union to reduce the number of its warheads or to increase ours until we could fashion a new strategy. Unfortunately, we didn't have much leverage.

The value of defensive technologies—the ability with confidence to destroy incoming missiles before they come close enough to do damage—seemed attractive for many reasons. We had made a serious effort in the late 1960's to develop an effective anti-missile missile but were forced to conclude the

the state of the art still favored the attacker.

By late 1982, however, new discoveries had been made. Adm. James Watkins, then chief of naval operations, advised Adm. John Poindexter and me that gains in the computational speed of computers and developments in high-energy physics (lasers, particle beams and other directed energy) had substantially lowered the technological risk of developing a truly effective antiballistic missile system.

As promising as the military implications might be, it seemed to me that such an investment would offer even greater political and economic leverage. Most important to me was the prospect that, as with the space program in the 1960's, our dedication of hundreds of scientists and engineers to this frontier technology would lead to scores of discoveries, all visible to the entire Marxist family and making it clear that our system worked better than theirs. To avoid such a threat to the ideological firmament, the Kremlin might be willing to pay a high price. Star Wars might be the leverage needed to get the Russians to decrease their number of land-based ICBM warheads.

Carrying out such a strategy faced huge problems. But I believed that if we played our cards right with Congress and the allies, we wouldn't have to build this system—the Soviets would come our way on arms control. slowly, everything come together, and by 1985 the program was a living "line item" in the budget.

As is now well known, our strategy worked. In Geneva, Mikhail Gorbachev and President Reagan pledged to reduce nuclear warheads by at least 50 percent for the first time. We had turned a corner.

As for the reports now that the Pentagon "rigged the tests" of Star Wars technology, I don't believe them. Surely no such "deception plan" was ever proposed to the President. And because any backfire would redound to his discredit, any such plan would have been cleared with him in advance by Defense Secretary Caspar Weinberger. I don't believe that there was such a plan. After three failures—all truthfully reported—when a success was reported in the same manner, I saw no reason to doubt it. As we all know now, hitting a missile with a ground-based interceptor isn't as Buck Rogers a problem as it once was.

[From the Baltimore Sun, Sept. 29, 1993]

MCNAMARA'S GHOST

(By Robert J. Hanks)

ALEXANDRIA, VA.—When Robert L. McNamara—formerly assistant professor at Harvard University, later head of Ford Motor Company—became Secretary of Defense in 1961, he brought to the Pentagon a host of bright young assistants and a determination to establish firm civilian control over the U.S. armed forces. With assistance from those youthful but militarily inexperienced executives (the so-called "Whiz Kids"), he succeeded.

He also brought a briefcase full of management techniques he had employed at Ford. Mr. McNamara seemed convinced that these procedures—used to produce automobiles—could be applied across the board to national defense. Among them, he placed infinite reliance on a management tool he had wielded in Dearborn: systems analysis.

Mr. McNamara entrenched an office—Systems Analysis—in the Pentagon, not only to analyze service programs but to originate them. One bright, young analyst during the latter McNamara years, Les Aspin, is now Secretary of Defense.

Then a newly commissioned Army Reserve second lieutenant, Mr. Aspin served his active duty obligation in Systems Analysis, wearing civilian clothes. He worked with computer models of military issues, many of whose solutions ultimately bore scant resemblance to battlefield realities in South Vietnam or to other military uncertainties then confronting the nation.

"McNamara's Band"—as Systems Analysis quickly became known throughout the Pentagon—sought to "quantify" everything. The underlying assumption held that computers, fed "quantified" inputs, could produce solutions to every problem; professional experience didn't matter.

Enemy "body counts" became a progress yardstick in Vietnam. Computers loved the numbers. Similar methodology spawned an "electronic fence," touted as the answer to North Vietnamese infiltration into the southern part of that tortured country. It wasn't, of course. Similar analytical failures abounded. One of the more senseless fixations involved development of a fighter aircraft for the Air Force and Navy. It typified Systems Analysis solutions' faults when applied to real-world problems.

SA combined diverse requirements of the two services—many incompatible—and established essential characteristics of one aircraft, the TFX, for Tactical Fighter Experimental, to meet the disparate Navy and Air Force needs. The "Whiz Kids" didn't realize that this would inevitably produce a plane whose every component had been reduced to the lowest common denominator. While Systems Analysis rammed the TFX concept through the Pentagon, a far better approach already lay at hand.

At that time, the F-4 Phantom reigned as the premier fighter aircraft in the world; produced by Grumman Aircraft, it strained the boundaries of technology. It proved eminently suited to carrier operations.

The Air Force simply took that plane and removed characteristics it didn't need: wing-folding mechanisms (for carriers operations) heavy landing gear for landing on pitching decks, reinforced tail structure to withstand enormous forces generated by arrested landings, etc. When the Air Force finished modifying the Navy version of the Phantom, it was a much lighter aircraft boasting significantly improved combat capabilities. It subsequently proved to be mainstay of the Air Force, particularly in Vietnam.

For years, the F-4, based afloat and ashore, ruled international skies while both services sought replacements for the aging plane. Each could have acquired a new aircraft, tailored to specific needs, far sooner and at less cost, had the Defense Department learned the lesson of the F-4. Instead, the Air Force had to buy several hundred F-111s [TFXs], those now still in service being used primarily as bombers rather than fighters.

With the nation's armed forces currently "downsizing," every defense dollar must be spent as wisely as possible. The country simply cannot afford to waste money applying theoretical solutions like the TFX to military problems.

One must hope that Secretary Aspin is not still wedded to his systems-analysis background, that he will use it as an analytical tool to examine service proposals—in the context of the experience accumulated on the battlefield by this nation's military professionals. America's shrinking armed forces cannot survive another McNamara-type reign over the Pentagon.

[From the Army Times, Nov. 15, 1993]

HALPERIN AS PEACEKEEPER?—QUALIFIED BUT CONTROVERSIAL, NOMINEE DRAWS FIRE

(By Rick Maze)

WASHINGTON.—The nomination of a longtime Washington insider to a new Pentagon post overseeing peacekeeping operations has turned into a fire storm of criticism aimed at the nominee and President Clinton's recent foreign policy setbacks.

On the surface, it would appear that Morton Halperin would make an ideal nominee for the newly created post of assistant defense secretary for diplomacy and peacekeeping, an important job in the post-Cold War world.

The 55-year-old Brooklyn native has taught nuclear strategy and arms control policy at major universities, including Columbia, Harvard, MIT and Yale. He served in the Pentagon as deputy assistant defense secretary for international security affairs during the Johnson administration and worked on the national security council staff under President Nixon.

MAN ABOUT TOWN

Critics have scrutinized his history and foreign policy opinions, finding fault and discrepancies. "Mr. Halperin is no stranger to Washington, and he is not a stealth nominee either," said Sen. Bob Smith, R-N.H., a member of the Senate Armed Services and Intelligence committees. "He has a very long and sordid track record."

More importantly, perhaps, his nomination for a post setting policy for U.S. military involvement in nontraditional roles comes as the first two post-Cold War peacekeeping missions of the Clinton administration have failed.

Halperin's hearings will become a forum to examine Clinton's foreign and military policies, predicted Sen. Trent Lott, R-Miss. Lott said Halperin has played a role—exactly what role is not clear—in drafting a presidential order, known as PDD-13, that would expand the role the United States plays in U.N.-led peacekeeping missions.

Under Senate procedures, Halperin's opponents could block the nomination indefinitely. Instead, they decided they want confirmation hearings so they can grill Halperin and at the same time blast Clinton.

Then, after the bruising hearings, they hope to either defeat Halperin outright or use Senate procedures to block action.

"What they are doing is unfair and despicable," said Lawrence J. Korb of the Brookings Institution, a former Reagan administration defense official. "There are a lot of things at play here that have nothing to do with his merits."

PARTISAN POWER PLAYS

Republicans are trying to get back at Democrats for blocking the nomination of John Tower to be defense secretary during the Reagan administration, Korb said. Emotions of Vietnam, a war Halperin came to oppose, also are at play, he said.

One moderate Republican, Sen. John Warner of Virginia, has suggested Clinton withdraw the nomination.

"It seems to me it is timely for the president and secretary of defense to take a second look, and a very careful look, at this nomination," said Warner, ranking Republican on the Senate Select Committee on Intelligence and a senior member of the armed services committee.

Halperin, through a Pentagon spokesman, declined to be interviewed, but a senior Pentagon official said Defense Secretary Les Aspin continues to support him.

"This nomination is winnable," the official said. "Halperin is being tarred for the very reasons he was selected. He is one of the few people who has thought about a world in which there is no East-West conflict and about a U.S. foreign policy that involves more than worrying about the next big war."

[From U.S. News & World Report, Sept. 27, 1993]

A TRIP BACK TO D-DAY

It will be 49 years this winter that Winnifred Boese's husband, James, was killed in the Battle of the Bulge, the Germans' last major counteroffensive of World War II. The couple had been married 13 months. Now 75, the San Diego resident has thought more often in recent years about her husband's Luxembourg grave, which she has never seen. When she heard that his old division was sponsoring a D-day trip next year, Boese signed right up. "That place [in my heart] is always empty," says Boese, whose tour will stop at the cemetery. "I think just going there and actually standing at the grave will kind of finalize it for me."

Thousands of veterans, their families, heads of state, history buffs and ordinary tourists will reinvade Normandy next summer. June 6 will mark the 50th anniversary of D-day, when Gen. Dwight D. Eisenhower launched the massive Allied assault that eventually liberated Paris from German rule on Aug. 25, 1944. Like Boese, many will be visiting for the first time. Others will bid final adieus at the graves of fallen comrades, to the battlefields forever etched in memories and to the villages and the people still grateful to have been freed. Bob Pocklington, 69, a private specializing in demolition for the 28th Infantry Division in the Normandy campaign, has visited his old haunts 16 times. But the Eagle Rock, Calif., resident figures this will be "the last hurrah," since most of his fellow veterans are in their 70s.

Crowd control: Normandy isn't used to such concentrated tourism, and government officials on both sides of the Atlantic are reconnoitering to devise efficient ways of handling battalions of veterans, dignitaries and sightseers. With the leaders of the seven Allied nations expected to attend the events during the first week of June, security will be tight, access to historic sites will be controlled and roads will be blocked off; visitors probably will be ferried about by shuttle bus. Not surprisingly, the French government is urging casual tourists to visit the region another time. "Unless you are a dignitary, VIP or veteran, you probably won't be able to see much between June 5 and 8," says Claire Bigelow, director of the U.S. Normandy Tourist Board in New York. Those determined to brave the crowds, though, can outflank the logistical nightmare—with concrete plans.

Vets first: The United States will commemorate D-day with numerous ceremonies honoring the men who came ashore on Utah and Omaha beaches, the two American landing sites (see box). There will be a re-creation of the June 6 airborne assault that dropped 13,000 men near Sainte-Mère-Eglise, where the American flag was first raised over French soil on D-day. The week's emotional cap will be the U.S. memorial ceremony June 6 at the Normandy American Cemetery at Omaha Beach, where more than 9,000 soldiers are buried. The French and other nations are staging countless other events.

To avoid the confusion that ensnarled the 40th anniversary—hordes of veterans didn't get to participate in some events—organizers are determined to make sure veterans receive kid-glove handling. "The vets are always the VIPs," says Lt. Gen. C. M. Kicklighter, USA (Ret.), executive director of the 50th Anniversary of World War II Commemoration Committee, the body coordinating all U.S. preparations. Some sort of pass will most likely be needed for admittance, since the French government will limit attendance. Kicklighter hopes to announce details by mid-October and will notify veterans' groups and military associations to make sure the word gets out. For more information, veterans should write to Maj. Thomas Rigsbee, World War II Commemoration Committee, 1213 Jefferson Davis Highway, Crystal Gateway Four, Suite 702, Arlington, VA 22202.

Given their ages and the logistical difficulties, many veterans are opting to take organized tours. It's a good idea, not only for obtaining accommodations but for guaranteeing ground transportation. Many also have contacts with local hospitals and doctors, should the need arise. But veterans should examine proposed itineraries carefully; not all the tour packages include stops for official U.S. events.

Military associations generally sponsor trips to their respective battlefields through tour operators. "We have so many military units going we feel like Eisenhower coordinating the next invasion of Europe," says Andrew Ryder of Galaxy Tours in Wayne, Pa. Galaxy, (800) 523-7287, is offering a 10-day D-day trip that begins May 31 in New York and stops in London, Southampton, Normandy and Paris for about $2,635 per person, double occupancy and including airfare. The French Government Tourist Office's "D-day Kit" includes a list of tour operators running trips to Normandy and other sites and a proposed list of anniversary happenings in France. Call (900) 990-0040—at 50 cents a minute—or write to Normandy Tourist Board, c/o FGTO, 610 Fifth Avenue, New York, NY 10020-2452.

While many of Normandy's 48,000 rooms have been gobbled up by the tour operators, free spirits who loathe itineraries can still find lodging during D-day week. "Liberté 44," an office set up by the La Manche Tourist Board in Normandy, can help you find accommodations in the Cherbourg, Mortain, Saint-Lo and Utah Beach vicinities. From the United States, phone (011) 33-33060644. Its eastern counterpart, the Calvados Tourist Board, (011) 33-31865330, can refer you to lodging around Caen, Deauville, Falaise and Omaha Beach.

If the remaining rooms fill up, the Association Débarquement et Bataille de Normandié 1944—set up to coordinate events in France—is mobilizing a host-family program for June 1-15. Veterans unable to find lodging can stay with a French family, free. For details, write to ADBN 44 at Abbaye-aux-Dames, BP311, 14015 Caen Cedex France.

Flight delay: Unless the flight is part of a package, hold off on buying tickets. "If you buy today, you will be paying a couple hundred dollars more than you need to," Says Tom Parsons of Best Fares magazine. Spring, when bargain fares to Europe generally appear, is soon enough. And don't overlook consolidators, known for their cut-rate overseas fares. Parsons also suggests looking into flights to alternate cities, such as Rome or Frankfurt, then using an air or rail pass to end up in, say, Paris.

Cruise lines, too, are gearing up with special D-day sails. Cunard's Queen Elizabeth 2 will depart New York for Southampton and Cherbourg on May 29, with a star-studied crew including Bob Hope and Dame Vera Lynn, Britain's popular radio star who earned the nickname "The Forces' Sweetheart" with her BBC broadcasts of "White Cliffs of Dover" and "We'll Meet Again." The price for a 10-day crossing begins at $3,035 per person, double occupancy, and includes one-way airfare between London and any of 79 cities. Call (800) 221-4770 for more details. Stephen Ambrose, a University of New Orleans historian and noted Eisenhower biographer, will explain the nuances of the invasion aboard the Norwegian Black Prince as it follows in the wake of the sea crossing of 1944 during a four-day cruise that departs from Southampton on June 4. Bookings begin at $1,370 per person, based on double occupancy. Call (800) 749-1869.

In the ensuing weeks of D-day, other venues of World War II will get their due. Military Historical Tours of Alexandria, Va., and Valor Tours of Sansalito, Calif., are putting together tours to Guam, Saipan and Tinian and the Solomon Islands next year and Iwo Jima, Okinawa and the Philippines in 1995. Call (800) 722-9501 for more details. And the folks back home won't be forgotten. Washington, D.C., of course, will be host to scores of ceremonies, exhibits and pageants, and Chicago, New York City and Salt Lake City also plan some sort of official observance of D-day. But 1944 just may be outgunned by 1995, when America marks the 50th anniversary of V-E and V-J days.

LET'S REMEMBER WHAT VETERANS DID IN THE WARS

(By Emma Pollack)

First, you see the wheelchairs. Some of these chairs are a style propelled by the hand of the occupant. A few have electric motors and are easily set in motion. Others have an electronic device and can be operated with pressure from the chin or mouth. Several chairs are not self-propelled but must be pushed by another human being.

Why this concentration on wheelchairs? Because it is much easier than looking at the people. However, eventually in this outpatient clinic, the veterans take the forefront.

Almost any weekday there are hundreds of people waiting in this large room. They surround you, and the time comes when you cannot blind your eyes nor your mind to their existence. These men and women waiting here for medical treatment are a diverse group from all walks of life—various ages, sizes, races.

Soon you can no longer see them as a mass; your eyes begin to focus on the individual. You discover what they have in common, a certain look. A look that asks: "Why? What has brought me to this place in my life?"

And what is this place? It is a modern hospital for veterans that is staffed with dedicated nurses and doctors—though far too few. This is also a teaching hospital and a nursing home.

An attempt has been made to create an attractive decor, a cheerful atmosphere. Ironically, the color orange has been applied generously to walls, floors, furniture and fixtures. Most of the visible activity takes place in the outpatient clinic. This is where the veterans sit and wait, and wait and wait.

On this particular morning, my husband is here for a series of tests, and I am prepared to spend the day. Although it is not yet 7 a.m., a long line has formed at the check-in counter. The first person in line is an elderly man with sunken eyes, unshaved, frail. His clothes are much too large for his thin body.

His hand trembles as he gives his card to the clerk. Briskly, she recites a series of instructions and tells him to sit down. The man takes the seat beside me. He stares helplessly at his appointment card, and I know he is confused.

"Could I be of any help to you?" I explain that I have been here many times. He eagerly hands me his appointment card.

"Shortly, they'll call your name on the loud speaker and give your doctor's room number." He still seems nervous, uncertain.

"I'll be glad to show you the room . . . this big place can be so confusing." Now, he smiles and begins to relax.

And so the day goes on. I look at these sick, miserable people, so tired of waiting and so often bewildered. My thoughts go back in time.

The year is 1942 and the place is Washington. The streets are filled with the human machinery of war: soldiers, sailors, Coast Guard personnel and Marines. They, like me, are very young. They are looking sharp, bright-eyed and ready for action. Without complaint, many will soon leave for the fight zones—on the ground, in the air, at sea. These youthful warriors are prepared to fight, to suffer pain and loneliness, and ready to die if need be.

My mind plays tricks on me. The fighting men and women of wars past are moving about in the waiting area. A tall, broad-shouldered Marine is standing beside a wheelchair. The man in the chair has no legs. A sailor in a white, crisp uniform is sitting in the place where, only seconds before, sat a man whose records were lost. The veteran to whom I had offered my help was no longer there. In his place sat a young man in a blue uniform, a pair of silver wings above his heart.

My vision clears, and I see once again the pain and helplessness of those around me. But now, I see so much more.

I see a room filled with heroes.

So often, after the shooting stops, these wartime heroes become little more than an unnecessary expense. The veterans must now pass a means test, must prove their financial need.

The people waiting in this outpatient clinic for medical care are not poor folks asking for a handout—although, indeed, many are poor. When they were young and healthy, they answered the call of their country. Flags waved, bands marched and promises were made. Promises that must not be forgotten.

What do veterans really want? More than anything else, they would like to be treated with dignity and respect. They want the American people to remember what they did in the wars—and why.

This day in the life of these veterans is coming to a close. But tomorrow, the line forms again and the waiting room will be filled once more. I stand still a moment and take one last look around. A voice speaks to me, a call from long ago. "To you from failing hands we throw the torch; be yours to hold it high."

We must keep faith with those who fought to preserve the freedom so cherished by all the world.

(Emma Pollack is recently widowed. Her husband fought in two wars and received his care in VA hospitals. Her father fought in three wars and died in a VA hospital.)

THE 75TH ANNIVERSARY OF WORLD WAR I

November 11th 1918—At the whim of the victorious Allies and at a cost of additional lives, the fighting ceases, bringing an end to World War One at the 11th hour of the 11th day of the 11th month 1918. Total casualties for this war including all participating armies exceed 37,500,000 men. This figure includes a death toll of 8,500,000. Americans suffer 320,000 total casualties, once again proving that the cost of Liberty is high.

THE 50TH ANNIVERSARY OF WORLD WAR II

November 11th 1943—(Pacific-Bougainville) Marines hold the junction of the Mission and Numa Numa Trails after their successful drive, which kills about 550 Japs. The Marines (3rd Division) are ordered by General Geiger to drive in two directions, east and west, simultaneously to secure and hold an Airfield site. Also, additional contingents of the 21st Marines arrive. (Pacific-New Britain) The Japanese suffer more damage to their ailing Fleet at Simpson Harbor, New Britain, as two American Task Forces, commanded by Rear Admirals A.E. Montgomery, and F.C. Sherman, destroy one Destroyer, the *Suzunami* and inflict heavy losses to the Japanese Eleventh Air Fleet (twenty four enemy Planes against a U.S. loss of seven Aircraft). Montgomery's Force strikes from the southwest and Sherman delivers his blows from the northeast, despite bad weather. Sherman's Force retires without detection. The Japanese locate Admiral Montgomery's Task Force and strike without consequence, although between sixty to seventy enemy Planes pursue U.S. Land-based Planes from Barakoma intercept the Japanese Fighters and destroy over fifty of them. The U.S. loses three Planes. On the following morning no enemy Ships remain at Simpson Harbor. (China-Burma-India) General Chiang Kia-shek, after studying General Stilwell's proposal of November 5th, agrees to a combined British Chinese assault against Burma, with the Chinese being held in reserve until the British assault Kalewa. In the British Fourteenth Army area, the Japanese seize Haka. (Atlantic-Italy) The struggle to gain the mountains blocking the Fifth Army's approach to Rome still is highly combustible. The U.S. 157th Infantry is assigned the task of taking Acquafondata, with orders to move out, wedging between the 179th and 180th Regimental positions. Meanwhile, the Germans still feel secure that they can hold the Winter Line. The 2nd Battalion, 509th Paratroop Infantry, clears a portion of Mount Croce. Every yard gained during this campaign for Rome costs the Allies heavily. German soldiers do a masterful job of using the treacherous mountains to their advantage. They hold the high ground to observe all Allied movements. In a heated engagement involving elements of the U.S. 3rd Division, the Germans offer firm resistance near Mignano, then mount a counterattack. PFC Floyd K. Lindstrom's Platoon gives cover fire to a Rifle Company's advance when the enemy assault occurs, however, the Germans press ahead, forcing a withdrawal by the Americans, leaving Lindstroms' unit outnumbered about 5 to 1. Lindstrom advances with his machine gun, defying incessant fire and gains a position 10 yards from the enemy. Unable to score a kill, he intensifies his efforts and charges further over rocks and then kills two men with his pistol, confiscates their machine gun and returns to his own men. Still defying danger, he again returns to the enemy position and transports two boxes of ammunition back to his lines and begins firing his own machine gun in a fantastic display of dare that virtually breaks up the assault. (Atlantic-Russia) The Germans still hold firmly west of Kiev, but the Russians make progress. The Germans holding southwest of Kiev advance against the Russians.

[From the Army Times, Nov. 15, 1993]

RANGERS IN SOMALIA—ANATOMY OF A FIREFIGHT

(By Tom Donnelly and Katherine McIntire)

"It was the longest day of everybody's life," says Lt. Col. Tom Matthews.

Matthews leads 1st Battalion, 160th Special Operations Aviation Regiment (Airborne), and from his flying command post in a specially modified UH-60 Black Hawk, he had a God's eye view of the vicious fighting Oct. 3 in Mogadishu that claimed the lives of 18 Americans and left more than 100 wounded, and drove American policy-makers into retreat from Somalia.

What he saw began as a lighting strike which, 20 minutes into the operation, had succeeded in snatching one of its human targets alive.

Then, amidst the blinding swirls of dust came a nightmare from doorways, rooftops and corners of perhaps the most heavily armed neighborhood in Africa.

Devastating fire from unending rocket propelled grenades took out helicopters. Rifles poked out of windows and over walls, firing blind. Hand grenades were lobbed from all directions.

The snatch operation turned into a grim rescue mission, and the lumbering trucks and other wheeled vehicles necessary for completing the extraction turned from a necessity into a deadly liability, offering fat targets as they stopped to load more and more wounded Rangers.

What began as a successful mission got lost in the fog of war, and left some of the Army's most elite units—men of the 75th Ranger Regiment, Delta Force as well as Matthews' highly-trained aviators—bloodied and battered, if not broken.

This longest day began in the most routine way. The Oct. 3 mission would be the Rangers' seventh since arriving in Somalia. It was all part of a campaign, not only to capture Somalia warlord Mohammed Farah Aideed, but also to dismantle his organization so that the U.N. peacekeepers could conduct their mission.

The target was in the heart of Aideed's territory, known among soldiers as "the Black Sea." Lt. Col. Danny McKnight, the commander of the Rangers' 3d Battalion and the senior commander on the battleground that day, remembers "it was more the area in bad guy country" than the previous raids, which had been to more isolated areas. This mission would take McKnight's Rangers near the notorious Bakara Market, one of the most heavily armed regions of Mogadishu.

VALUABLE TARGETS

The targets seemed well worth it: Two of Aideed's lieutenants were going to be meeting in a building in the northeast part of the city, two to three blocks east of the market. At about 1 p.m., intelligence sources learned that the two would be meeting in the middle of the afternoon. Over the next two hours, the intelligence was confirmed and the exact location pinpointed—across the street from the original target. Maj. Gen. William Garrison, the senior special operations commander in Somalia, told McKnight: "Execute."

McKnight was initially pleased that he would have several hours to prepare for the mission; most had been conducted with less than one hour's notice. The raid would be conducted according to well-rehearsed, standard operating procedures. But

McKnight's force, built primarily on his battalion's B Company, would have time to study the layout of the target—a building near the Olympic Hotel, a local landmark—and review reconnaissance photographs.

Because the raid would take his men into a dangerous region, McKnight planned to take plenty of force and to attack by helicopter but extract his troops and their captives on the ground. A hovering helicopter made an inviting target, and secure areas to hold the captives or move wounded were not likely to be found.

All told, about 90 Rangers and Delta Forces troops would ride in six of Matthews' MH-60 helicopters. They would be backed up by other special operations aircraft: four MH-6 and four AH-6 "Little Birds," a search-and-rescue UH-60, and a command and control Black Hawk with Matthews aboard.

McKnight would lead a 52-man ground element, escorted by seven armored High Mobility Multipurpose Wheeled Vehicles, mounting grenade launchers and .50-caliber machine guns and with Kevlar liners and ballistic doors replacing the usual canvas doors. Also in the convoy were two utility HMMWVs and three five-ton trucks for the extraction. All told, about 170 men took part in the operation.

McKnight says he felt well prepared and well equipped for his mission. The one concern was getting in and getting out quickly.

MISSION TAKES OFF

On the ground, the Rangers crossed their line of departure at the Mogadishu airport at about 3:30 p.m. It took the convoy about 12 minutes to negotiate the narrow streets of Mogadishu—through the notorious K-4 traffic circle to their holding position about 200 meters from the target. The ground movement was accomplished without incident.

At the same time, the assault from the air began, led by the Little Birds. Four contingents of Rangers were dropped into blocking positions, while the remainder and Delta went for the "snatch" operation. Fast roping to the roof of the building where Aideed's men were said to be meeting, the operation, despite intermittent fire from Somalis, initially went well.

The "bad guy reaction was about what we expected, given where we were," says McKnight. What was surprising, however, was the intensity of the fire from rocket-propelled grenades, or RPGs.

"The fire never stopped," Matthews said. In fewer than 10 minutes, one Black Hawk was fired upon by 10 to 15 RPGs, he said.

A second problem came from "brown-outs" due to the dust kicked up by the hovering helicopters. In the confusion, one Ranger slipped off his ropes and fell about 40 feet to the ground, sustaining severe injuries.

The assault helicopters moved off. But the Little Birds and two of the Black Hawks, flying circular "racetrack" patterns, remained to provide covering fires from their miniguns and snipers onboard.

Twenty minutes after the assault, the snatch team had the men it wanted and called McKnight for extraction. "It was going extremely well," recalls McKnight, "very professionally done." The ground convoy sprinted to pick up the captives and the Americans.

As McKnight stepped from his vehicle to coordinate the extraction, a medic came running up with news of an urgent casualty, a Ranger who had fallen while fast-roping.

"We've got to get him out now. If we don't, I'm not sure he's gonna make it," the medic said.

McKnight agreed and put the injured Ranger in one of the cargo HMMWVs. He then detailed two of the armored HMMWVs as escort and sent them immediately back to the American compound for treatment. This small convoy would be ambushed and Spec. Dominick M. Pilla of B Company would be killed during the ride.

McKnight was now down to four armored HMMWVs. Back at the snatch site, McKnight went back to loading the "detainees." The pace of Somali firing was increasing.

Then came word that the supporting Black Hawk piloted by CW3 Clifton Wolcott had been shot down about 500 meters to the east. Sgt. Aaron Weaver, in one of the Ranger blocking positions, saw the helicopter get hit by an RPG.

Wolcott was flying at about 75 feet, Weaver estimates, searching for Somalis who could threaten the snatch site. The helicopter crew saw the Somali who shot them down, McKnight says. Wolcott had pivoted his Black Hawk to allow his door gunners and snipers to fire. But in doing so, he presented a broadside shot to the lucky RPG gunner.

Weaver says the RPG hit the Black Hawk's drive shaft and tail rotor, causing the aircraft to auto-rotate and begin to drift. Wolcott fought to control the wounded chopper, but it was going down, crashing onto the top of a walled compound and tipping halfway over. Wolcott was trapped inside, pinned in his seat. "It almost folded on top of him," says 1st Lt. Larry Perino, leader of B Company's 1st Platoon.

Wolcott and his co-pilot were killed, and one of the two other crew members was badly wounded.

FEAR OF GOD

Crew member SSgt. Charlie Warren said he "had the fear of God" when the chopper was hit. His first thoughts were of his buddies on board and he was able to brief the crew on the way down. The impact of the crash left him with a severely bruised pelvis, a dislocated knee and a broken wrist. Two medics pulled him from the wreckage and carried him to the other side of the bird, when he saw that the pilot and co-pilot were dead.

"That was my first realization of how bad the crash really was," Warren said. Because of his injuries and the crew's inability to get Wolcott out, it was hours before they could move to an adjacent building. "One of the medics brought me a rifle for protection. We basically stayed there until nightfall," he said.

The two snipers onboard recovered their senses and began to defend the crash against Somali militia, who attacked almost immediately. SSgt. Daniel Busch, one of the snipers, fought ferociously, killing perhaps eight to 10 Somalis until he was shot in the stomach and the femur.

From the air, Matthews in the command and control aircraft and the crews of the Little Birds could see the crash survivors. McKnight, on the ground, had to make a decision. He'd lost some of his combat power in escorting the injured Ranger back to the airport. He'd also lost one of his five-ton trucks to an RPG shot. And there was the question of what to do with the detainees. Up until then, he had sustained only modest casualties, and no one killed. In the end, there really was no question for McKnight: live Americans nearby needed his help.

1st Lt. Tom DiTomasso, leader of B Company's 2d Platoon, had seen the Black Hawk go down and could see Americans moving at the crash site. He quickly radioed McKnight and began to move to protect the crash. Quickly, Garrison made the decision to consolidate the rest of McKnight's force around the crash site. "We're going to go there with all our vehicles, see what's there, and we may be able to load everyone up on our vehicles and get out," he says. He still had a substantial force and had the bulk of his vehicles in working order.

As DiTomasso's element reached the crash site, CW3 Karl Maier landed his MH-6 helicopter in a nearby alley so narrow the rotors barely cleared the walls.

Maier's co-pilot, CW4 Keith Jones, leaped from the Little Bird in an attempt to rescue the wounded, while Maier held the controls with his right hand and provided cover with his submachine gun in the left.

Jones, covered by the crew and using his 9mm for protection, left the chopper to carry the mortally wounded Busch and another collapsed soldier to the helicopter for evacuation. The crew literally shot its way in and shot its way out of the rescue mission, Maier said. He expended about 150 rounds of ammunition and at one point during the rescue, Jones returned to the chopper for more ammunition before he was able to get the two soldiers loaded for evacuation. DiTomasso's platoon assumed the defense of the crash site, using the ballistic blankets that covered the floor of the downed Black Hawk as a shield as the crew tried to pull the wounded and the dead pilot from the wreckage.

One of the Rangers guarding the crash site had part of his face caved in after being hit by enemy fire, Maier said, but the Ranger refused to be evacuated, choosing instead to remain and protect the wounded who couldn't be evacuated.

Hours later, the same Ranger put his body over Warren—whose protective vest had been removed by medics examining his injuries—to protect him from incoming fire as they lay trapped in an adjacent building.

"It was just heroic acts like that that happened all day," Matthews said.

In short order, the search-and-rescue Black Hawk arrived at the crash with medics and a small contingent. Fifteen soldiers roped to the crash site from the search and rescue chopper, Matthews says. The medics and other soldiers—all with medical training—were able to stabilize all the wounded by the time they were rescued nearly 12 hours later, he said.

While the last two soldiers were roping down, "the search and rescue bird was hit with an RPG while lowering the medics, but was able to return to the port," according Matthews and the Rangers. The wounded bird limped away, barely making it back to the airport. Upon landing, the pilots immediately switched to a back-up aircraft and returned to the air. Of those, 11 were either killed or wounded.

A few minutes later, McKnight's force began a larger relief effort. Perino's platoon and part of 3d Platoon, began to move on foot to bolster the defenses. The vehicles would follow after.

It took Perino's force 15 minutes to cover the ground between the snatch site and the crash—15 minutes of chaos and mounting casualties. In the rabbit warren of Mogadishu's meanest streets, a few dozen Rangers moved to the rescue of their comrades.

Every doorway, rooftop and corner could hold an unseen enemy. Often, Somalis would stick their rifles around a corner or out a window and let loose a burst, or toss a grenade over a wall at random. Still some women and children were on the streets. Gunfire, even heavy gunfire, was part of daily life in Mogadishu.

Perino's point man was hit almost immediately by fragments of an RPG round or a

grenade, wounded in the leg. "We'd just moved out. I knew the vehicles were right behind me," recalls Perino. "So we grabbed him and pulled him back."

Weaver was driving the first vehicle they came to and took the wounded soldier aboard. Occasionally during the move, the vehicles would link up with the dismounts and retrieve whatever casualties they could. From above, Matthews directed the convoy toward the crash and the Little Birds poured fire on threatening bands of Somalis, even firing their personal weapons out the doors of their choppers. In groups of 15 or so, the Somalis moved constantly to ambush the Americans.

McKnight and his men were hard pressed. "We didn't know where we were going," remembers Weaver, the only NCO not to be hit in the ground convoy. "We were just told to move . . . but the E-2s, even the privates, were doing their job." Each crossroads was a shooting gallery, with Somalis firing from every side across the Americans' path.

"Cpl. James Cavaco got shot; then Sgt. Lorenzo Ruiz got shot; we were taking some pretty sustained casualties," says Weaver. Also killed were Sgt. James Joyce and PFC Richard Kowalewski. Weaver's vehicle also was hit by an RPG.

KNEE DEEP UNDER FIRE

Perino's men were now in their first serious engagement, taking heavy fire and casualties by the minute. "We just kept pushing," he says, "because the alleyways were such limited cover and the streets were so narrow. You had to move; it was the only form of security we had."

DiTomasso's 2d Platoon was under constant fire, too. He had only enough forces to cover the immediate area around the wreck of the Black Hawk. On one side of the street, a solid wall provided a good anchor. But the open intersections on either end of the crash and the broken wall to the north provided spaces for Somalis to fire on and infiltrate the Rangers' position.

Even as the mission to rescue Wolcott was being mounted, a third Black Hawk, piloted by CW3 Michael Durant, was sent to provide additional air cover. About 15 minutes after the first crash, Durant's helicopter was hit, on the western side of its circular orbit. Attempting to fly to the airport and safety, Durant crashed about 1500 meters to the south and west of Wolcott.

A rescue party in four HMMWVs—two that had never gone out and the two that had initially been sent back to safeguard the Ranger injured in the snatch operation—was sent to try to secure the Durant crash.

After trying three different routes to the downed chopper and running into an ambush at each, the convoy was forced back to the airport. Near the K-4 traffic circle, the rescue party ran into McKnight's ground convoy and returned with it to the airport.

Other efforts to rescue Durant were futile. Returning from his daring pick up of the wounded Busch at the first crash site, Little Bird pilot Maier was able to land MH-6 about 150 meters from the site where Durant's bird crashed, but none at the second site were capable of getting to the chopper.

Later, two Rangers fast-roped into the area of Durant's helicopter. They were able to pull Durant from the wreckage and defend themselves for some time, but were killed and their position overrun. Durant was taken hostage by the Somalis. His co-pilot, who survived the crash, was later killed by Somalis.

The crew, who may have survived the impact—Durant later told McKnight that he thought he heard them—did not survive the attacks.

CONVOY BECOMES LIABILITY

The attempt to get to Wolcott was bogging down, too. It was clear that the vehicle convoy was becoming more of a liability than an asset. They made inviting targets, lightly armed and constantly forced to stop to take on wounded. They still carried the detainees captured in the original raid. The lumbering, open five-ton trucks were especially vulnerable and a well-placed RPG shot could kill dozens of men. Ammunition, too, was running low.

In consultation with Garrison, and in view of the growing number of casualties, McKnight decided to pull back, limping into the airfield at abut 5:30 p.m.

On the drive back, the Rangers were under constant fire, and the lone remaining cargo HMMWV was abandoned. "All the tires were flat. The engine was smoking," says Weaver. It was being pushed by the last five-ton truck. "We decided to destroy it in place, near the K-4 intersection," says Weaver. The armored HMMWVs all survived, "though they were pretty beat up," says McKnight, who was wounded when a round smashed through his windshield.

SSgt. Paul Shannon was in another Black Hawk whose initial mission was to drop off Rangers for the raid on Aideed's lieutenants. After Durant crashed, Shannon's chopper flew to the site about two miles south of the first site and deployed two Rangers to assist the crew. After protecting the crash site for about 20 minutes, Shannon's Black Hawk also was hit in the right side by an RPG. Hit earlier in the mission and unable to fire his weapon, Shannon had been taken off his position at a door gun and moved to the back of the Black Hawk. Minutes later, when the RPG hit, the soldier who replaced him at the door gun sustained injuries that eventually cost him his leg. Shannon immediately started administering first aid to him and after the crash landing, another crew member helped tie on a tourniquet before he was evacuated to the U.S. hospital in Mogadishu.

The pilot nursed the helicopter to a nearby U.N. site where the pilots expertly performed a roll-on landing, probably saving the crew's lives, in Shannon's estimation. "Once I realized we were going to crash, the biggest thing was were we going to survive it. Everybody was pretty calm. Nobody screamed or anything like that. As soon as the U.N. APCs (armoured personnel carrier) pulled up we knew we were in a safe area," he says.

Back at the crash site, Perino found that DiTomasso's men had suffered seven casualties. The two lieutenants then moved to consolidate their forces, get the wounded under cover and push out their defensive perimeter to cover all the nearby intersections. Of the relieving dismounts, only Perino and two other Rangers had not been wounded. Though some of the wounded had been evacuated, about 15 were trapped at the crash site when the ground convoy was forced to turn back to the airport. Nor could the Rangers get Wolcott's body out of the downed helicopter.

After nightfall, the pace of Somalia attacks slackened noticeably, allowing DiTomasso and Perino to consolidate their forces further and get the wounded inside some buildings. "You'd get the odd RPG round, but we held our ground. We were able to keep anybody from coming in," said Perino. In one sense, the worst was over. In another, the worst was still to come: the waiting.

THE NEED FOR HEAVY ARMOR

On returning to the airfield, McKnight's first concern was to get care for his casualties. Step two ways to put together a relief operation to secure the two crash sites. There was a very little information about the second crash, except that it had been difficult to reach and was being overrun.

The immediate reaction company of the 10th Mountain Division quick reaction force, C Company, 2d Battalion, 14th Infantry, already had been dispatched to try to relieve the Rangers now hunkered down around Wolcott's downed aircraft.

Traveling in a convoy of HMMWVs and five-ton trucks, the ready company was ambushed just after passing east and to the north of K-4. An air assault was not a viable option, for three reasons: flying was extremely dangerous; the tight streets around the crash site would not accommodate a good landing zone; and the 10th Division infantry required the choppers to land in order to disembark.

The ready company returned to the airport at about 7 p.m. Clearly, busting through to the trapped Rangers would require a larger force and, more important, armor protection.

There were no U.S. heavy forces. Defense Secretary Les Aspin had denied a request from Maj. Gen. Thomas Montgomery to deploy armored and mechanized infantry units to Mogadishu to protect U.S. and U.N. troops. Any armor would have to come from other U.N. forces in Mogadishu.

The first step was to summon the rest of the quick reaction force, and a second company was ready by about 7:45 p.m.

Despite the four and a half hours of agony in assembling the relief force, McKnight is more than satisfied with the effort. The danger to the Rangers around the crash site lessening with darkness, and McKnight remained in constant communication with Perino and DiTomasso. "There was not a requirement that they have to get out there in two hours, because those guys were secured; they were consolidated," he maintains. "They were defending."

The wounded had been stabilized.

The political, diplomatic, and—more practically—language barriers of assembling the multinational relief force were daunting. The U.N. command at its best was a cooperative effort between various national armies; Montgomery and his superior, Turkish Lt. Gen. Civek Bir, do not enjoy the luxury of unity of command. Most coalition operations had to be cleared with the respective countries' defense ministries, not a recipe for fast action.

In the event, the relief column would marry the two light infantry companies, about 50 Rangers, U.S. troops in armored HMMWVs, four Pakistani M48 tanks and 24 Malaysian wheeled armored personnel carriers.

"I think the process was correct, a good deliberate process, so when you get out there, you don't get all screwed up," contends McKnight.

Among the Rangers who returned in the rescue operation was Weaver. It was a difficult order to carry out. "For myself, I'd have to admit I was scared. I was wondering if I'd make it out and back again."

Among the Rangers on the relief operations were cooks—"everybody helped out," says Weaver. They linked up with the 10th Mountain and the Pakistanis, then made a rendezvous with the Malaysians near the port of Magadishu. The odd task force, 300 strong, crossed its line of departure at about 11:30 p.m.

Despite the long wait inside the perimeter, Perino knew that once his defenses was consolidated, the worst was probably over. The tension of the move to the crash site eased somewhat; darkness provided more confidence.

Throughout the operation, the command and control helicopter circled above, and the Little Birds were cycled through.

That is not to say there weren't tight moments. "The Little Birds fired plenty of 'danger close' rounds," says Perino. "We're talking 50 meters away with 2.75-inch rockets. But the [Somali] fire really came sporadic once it became dark. As long as we had ammo and as long as we had water . . ."

The volume of RPG fire was the most unsettling. "If you were anywhere around that helicopter, you were going to be a target," says Perino. "Several guys went down to fragments from RPGs. One went through the wall of a compound where I was and killed Smith. There was still the stress of being out there. But it was a lot better than being in the streets."

Like previous relief efforts, the final rescue column's progress was marked by repeated ambushes. At one point, Somali fire became so intense that the 10th Mountain jettisoned its lightly armed HMMWVs and rode inside the Malaysian APCs. The column took an indirect route, circling to the south and coming in from the east. At 2:30 a.m., Oct. 4, Mogadishu's longest day came to an end.

PASS THE NORTH AMERICAN FREE-TRADE AGREEMENT

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

Mr. KOLBE. Madam Speaker, I have taken this time this evening to do one more special order on the subject of the North American Free-Trade Agreement. I am joined here this evening by my good friend from California [Mr. DREIER].

We are down to, and we can almost count them now in hours, the last few days, on an issue that is truly one of the defining moments for American history. I have said this before and other Members have said it, but I think it bears repeating for my colleagues in Congress and for all America, and that is, this vote will be one of the most significant, if not the most significant, votes that my colleagues will cast in their entire career in the Congress of the United States.

We have cast a lot of very important votes in the 9 years that I have been here. I think back to earlier this year on the issue of the budget. I think back to the budget summit agreement in 1990, to the vote on Desert Storm in early 1991. I think back to the votes on the tax bill in 1986, and to the issue of flag burning and a constitutional amendment on that. These have all been very difficult votes, and ones in which all of us felt there was a great deal at stake.

But I can say without hesitation that none of those carry the consequences of this vote that we will cast in just another 7 days, on Wednesday of next week. Because the vote on the North American Free-Trade Agreement is not just about whether we will have a free-trade agreement with Mexico and with Canada. The vote on the North American Free-Trade Agreement is about the future of this country. It is about the direction that this country is going to go.

There are those in our country today who are fearful of competition. Not just with Mexico, but with the world. Many of them remember the years at the end of World War II when the United States stood astride the world economy and there was no competition to the United States, and we did not have to ask other countries for good trade arrangements. We were the only source of goods for those countries.

But those days have passed, and the United States is truly living in a global economy. There is no escaping that. We may wish that it were not so. We may wish we could go back to the days that were there once before, but we cannot do that.

So the question which faces my colleagues this next week is, Does the United States have enough courage to compete with other countries of the world? Do we have enough courage to believe that American workers are productive and can compete in the rest of the world? Or do we believe that the only hope for the United States is to erect a barrier around this country and to deny competition with other countries? That is the issue which we face in this vote. And I believe that it is a most significant vote for that reason.

Madam Speaker, my colleagues will, I know, consider very carefully the pros and cons of this, what it does to their district, and the economics of it. But in the end they must understand that this has to do with where the United States will stand in the world today.

I know that my friend from southern California understands that very well, and I am pleased that he is here this evening with me as we go through some of the arguments that have been made.

Madam Speaker, I am very pleased to yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Madam Speaker, first of all, I would like to compliment my friend from Tucson, who has worked on this issue for a long period of time. It was 6½ years ago that I was privileged to join as a cosponsor of legislation with the gentleman calling for the establishment of a free-trade arrangement in this hemisphere, specifically with Mexico, because it seems to me that we need to recognize that we have a 2,000-mile border with Mexico and there is nothing we can ever do to make that change. I think my friend's remarks, Madam Speaker, are right on target here.

□ 1840

Because if you look at the last half century, the United States of America has successfully brought about victory with the Second World War and then the cold war, four decades of great difficulty, tremendous expense, tremendous cost. My friend from Garden Grove, who spoke here just before me, talked about the fact that a shot was not fired in the Reagan administration to win the cold war. But there was a tremendous cost that was paid and shouldered by the United States, a great responsibility, so as we, in a week, a week from today, maybe at this time in exactly 1 week, as we prepare to cast our vote on the North American Free-Trade Agreement, we have to make a determination. Is the United States of America going to stand, as it has for at least the last half century, having won the Second World War, having won the cold war, and proceed, as we face the millenium, with leading the world toward the change that the 21st century will bring. Or are we going to choose to, for lack of a better term, Madam Speaker, chicken out and stick our heads in the sand and say that we have this ability to stand alone and provide what is needed for our people and at the same time see our economy grow and the standard of living in the United States of America grow.

Clearly, while we listen to opponents to NAFTA say, "I am more concerned about the United States of America than I am the entire world," well, quite frankly, Madam Speaker, the gentleman from Arizona [Mr. KOLBE] and I have the United States of America as our No. 1 concern and the consumers of this country and the workers of this country, contrary to some of the rhetoric that we have been hearing from a wide range of people who have been opponents of the North America Free-Trade Agreement.

Mr. KOLBE. I appreciate the comments you have made. I think it sets us off on a very good beginning to the dialog we will have this evening.

Something you just said reminds me of a comment that I heard when I was in Mexico a couple of weeks ago, and we met with a group of people from the Mexican business community.

One of them said to me at this dinner that we had,

Two things in my life have astonished me. One is the fall of the Berlin Wall and the end of Communism. Who would have ever thought it possible that that could have happened in our lifetime? But the other thing that happened to me, when I was making a business trip to the United States last week and was in several cities and I found that there are so many Americans who are afraid to compete with Mexico, a country which has an economy 2½ percent the size of the United States economy.

I don't believe Americans are afraid to compete. We know that we can compete, and we have seen recently companies that have announced they are

moving their manufacturing plants back from Mexico to the United States, thanks to NAFTA. They can afford now to produce them in the United States and ship the products down to Mexico. They are moving them back because they are more productive in the United States, and they only have those plants, as my friend knows, in Mexico because the barriers that Mexico erected to our doing business down there made it necessary to leapfrog over that barrier and establish the factory in Mexico to do business.

Mr. DREIER. Am I not correct in concluding that 70 percent of the business that is done by United States-owned operations in Mexico is done for the Mexican consumer and not to send back to the United States, as so many opponents have often argued?

Mr. KOLBE. That is correct. It is at least 70 percent. I think it is actually slightly higher than that. So most of our products that we are producing down there are for the Mexican economy. But now we do not have to do that. We can produce that product, with NAFTA, we can produce that product here and sell it in Mexico.

When people ask us, what is the North American Free-Trade Agreement, I think there is one fairly simple answer. It is a tax cut. It is a tax decrease. It is a two-way tax decrease. We decrease taxes on the products that come from Mexico, yes, but our average tariff is only about 4 percent. But even so, that means consumers in the United States will be paying 4 percent less for those products that come from Mexico, because they will not be taxed on it.

That means our consumers are better off.

Mr. DREIER. This bill that we are going to be faced with next Wednesday is, over a 5-year period, a $1.5 billion net tax cut for Americans. And anyone who would choose to vote against the North American Free-Trade Agreement is voting against a 1½ billion dollar tax cut for Americans.

Mr. KOLBE. My friend is absolutely correct. This is a tax cut. It is a tax decrease. There is no way to get around that. There are some user-fee increases, but they do not match the tax cut that we have in there. So it is a net tax decrease. And no one, nobody voting against this should be allowed to misunderstand that. They are voting to keep higher taxes in place, if they vote against this.

But what is important about this, it seems to me, is the fact that the real tax cut here in on our products, that Mexico cuts their tax, their tariff at the border on our products going down to Mexico. That means that we will be able to sell more products down there.

Let us just take, for example, automobiles. We are going to get to that in a moment. They are in the special category. Maybe we should take something like a refrigerator today. Actually, refrigerators are a good one, because they have a 20-percent tariff.

Let me just give you this example here.

Mr. DREIER. Household appliances. If we could ask our colleagues to focus on this, and my friend will be able to explain the structure right now the way it exists and the way it will exist under NAFTA.

Mr. KOLBE. What you have there on that second item here, household appliances, you have a Mexican tax that right now is 17 percent on their products. I am going to focus just on that for the first moment and not the second one.

That means that if General Electric wants to ship a refrigerator to Mexico, let us say it is worth $500, there is a 17-percent tax or $75 on top of that in a tax, if my math is correct there, $75 tax on top of that in order to get that refrigerator to Mexico.

Now, if you take that tax off altogether, common sense tells you some more people that cannot buy that refrigerator today are going to be able to buy it, if you take that huge tax off of it.

Mr. DREIER. My friend is absolutely right. I think it is important for us to realize that we have often heard in this debate about talk of Japan.

Vice President GORE mentioned it last night in the debate with Ross Perot. This 17.1 percent average tariff, which exists today on United States-manufactured refrigerators and other household appliances going to Mexico comes down to zero under the NAFTA. Right now it is really negligible for any Mexican-manufactured household appliances coming in the United States. Again, we have one-way free trade, because the Mexicans have access to our market. But this 17.1 percent average tariff remains for Japan, Germany, and other countries in the world that are not part of the North American Free-Trade Agreement.

And I think, Madam Speaker, it is important for us to realize that this 17.1 percent tariff here that exists today, if we defeat the NAFTA, it stays. And some would argue that to deal with environmental cleanup in Mexico, recommendations have been made that they even increase that 17 percent tariff, if the United States choose to defeat NAFTA. We all know that there is going to be certainly an invitation extended by the Japanese Government and businesses there, others in other parts of Western Europe and the Pacific rim, to Mexico to embark on a NAFTA-like arrangement with them.

It seems to me that we should benefit, the American consumer and the American worker, by bringing that barrier down.

I thank my friend for yielding.

Mr. KOLBE. My friend makes a very good point. Vice President GORE, I think, made the point very well last night when he said, we have had an experiment with both ways. We have tried it your way and we have tried it our way. And he said, the old way was when Mexico had these tariffs.

□ 1850

We know what happens when Mexico reduces its tariffs from an average of 50 percent to an average of 11 percent, from a top rate of 120 percent to a top rate of 20 percent. We know what happens with that.

Our exports to Mexico have gone from $13 billion in 1987, the year after they joined the General Agreement on Trade and Tariffs [GATT] to last year $43 billion. We sold $43 billion of goods to Mexico.

Mr. DREIER. From $12 to $13 billion to $43 billion. We have gone from a deficit of about $5.7 billion to a surplus of a like amount, just about $6 billion. So because we flipped it around and because they have brought their tariffs down, have opened up their markets to our goods, we have a surplus of $6 billion with Mexico, and we have increased by more than 100 percent the amount of goods we are selling in Mexico. Think what can happen when we bring that down to zero.

I would be happy to yield to my friend, the gentleman from California [Mr. DORNAN]. However, if I could just a moment, before I yield, say that his special order focused on the issue of the end of the cold war, and he referred to the fact that Ronald Reagan was able to bring about victory in the cold war without firing a single shot.

It seems to me that as we look at the next logical step beyond the cold war, it is getting to the point where we recognize that trade is the currency of friendship, trade is the currency of freedom, trade is the currency of peace, and these are the natural steps that are taken, bringing down barriers.

As we brought down the Berlin Wall, we want to bring down the barrier for the flow of free trade. My great friend from Garden Grove is one who spent a great deal of time working on that issue.

Mr. KOLBE. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I thank the gentleman for yielding. I am moved to call the gentleman the sunshine boys, not because we all come from the Sun Belt, and States that, well, the gentleman's economy in Arizona is not as bad as ours in California, but the reason I want to call the gentlemen sunshine men is because they are so optimistic the way they have approached this treaty, and the way they delineate for all of our Americans who have been through a lot of fear tactics here that this is the way to approach the future.

One of the things the gentleman from California [Mr. DREIER] said to me at

the end of my special order was that if we vote this down in this Chamber, it will be a sad day in that post-cold war era, because we will have chickened out on an opportunity here to create a family in all of North America, to start treating our first cousins south of us the way we treat our first cousins north of us in Canada.

More than that, I wish we could kick around something that I have learned in classified and declassified briefings about what negative signals from this Chamber will do to the entire Central and South American area, this entire hemisphere, with the exception of Brazil, which is still having its problems from government corruption, and they speak Portugese there, the line of demarcation. They came up on the east side of that.

However, in every other country, the major nine nations in South America, the Dutch-speaking nation of Surinam, the English-speaking nation of Guyana, and all those nations north of the Panama Canal, as David and I used to say in the Panama Canal debates, everybody north of that manmade body of water called the Panama Canal is a Norteamericano. We are all North Americans here.

I would ask the gentlemen to tell me something about their experiences traveling south of the border, the two of you, bumping into ambassadors from the South American countries. This will be a super tragedy for all of our fellow Americans north and south.

Mr. KOLBE. If I might reclaim my time, I think the gentleman has raised a very, very good point. NAFTA is really more than a vote on a trade agreement with Canada and Mexico. It is a vote to open a door. Mexico and NAFTA is the hinge to this door of all of Latin America.

We have today, and my friend, I know, is aware of this, but there may be some out there who are not aware of the fact that we now have a bilateral framework agreement that is kind of like an initial agreement, with every single country now in Central America and Latin America. What those agreements say is, "Mr. South American, if you will just open your economy, if you will get your debt under control, if you will reduce your inflation rate, if you will reduce your interest rate, if you will reduce your public sector spending, and if you will open up your markets to other countries, there will be a reward at the end of that. The reward will be that the United States will do more trade with you."

They have listened to us.

Mr. DORNAN. Exactly.

Mr. KOLBE. They have watched us go through this NAFTA process. We have told them, "Wait, let us finish with Mexico and then you will be next in line." Chile is banging on the door today. They are ready to join NAFTA tomorrow, the day after we do this. The other countries of Latin America, many of them are ready immediately.

What do we say to them? If we say, "No, it is okay for us to trade with Canada, it is okay for us to trade with Europe, but those of you who are Latinos to the south, we are really not interested in free trade, we did not really mean what we said," it would be a devastating blow.

My friend, who has traveled in Latin America far more extensively than I have or ever will in my lifetime, knows the consequences of that for many of these fragile governments that could easily turn hostile again, go back to military government, where democracy, which is just trying to gain roots there, we could lose so many of those democracies.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, Mexico is growing so fast, I was stunned again to be re-reminded today that 50 percent of the population is under 20 years of age.

Mr. KOLBE. Actually, it is under the age of 17.

Mr. DORNAN. The Philippines is the only other country we have seen with that low a youthful demographic. But I notice the President today in his press conference said 90 million. Last night Ross Perot talked about how he wants to help 85 million people.

Mr. DREIER. If the gentleman will yield for just a moment, Ross Perot talked about 85 million people living in poverty in Mexico. If that is the entire size of the population, Mr. Perot has failed to recognize that the middle income wage earner in Mexico, the numbers are virtually identical to the entire population of Canada. We have been given figures of between 20 million, as high as 25 million people in the middle class in Mexico. Ross Perot continues to use this line, 85 million people living in poverty.

Mr. DORNAN. If the gentleman will continue to yield, like there are 35 families with no children, just maybe 70 people, husbands and wives, running the whole show, all being extorted for $25 million.

I noticed an irony in the debate last night. AL GORE returned to the AL GORE I knew in this Chamber for 8 years. We were just, as I am Jim's classmate in my second life, here in 1984, I first came with the gentleman from Pennsylvania, BOB WALKER, and Dan Quayle, and a lot of people, the gentleman from Missouri, DICK GEPHARDT, the majority leader, in the class of 1976.

AL for 8 years was a strong moderate voice from the South. Last night he did something that I am sure I will see on the "Rush Limbaugh Show," the TV show, tonight. He said, "Why are you talking such doom and gloom," he says to Ross Perot, when that is exactly what Limbaugh points out, that on another issue, the health care thing, that Mr. Clinton down in North Carolina actually pulled his hands in and shuddered his body and said, "Thirty-seven and one half million Americans, they are all living in fear of what is going to happen to their health care insurance policy."

Now they are on the right track. It is fear-mongering to reject all of the optimism of the post-cold war and to start here, on the northern half of this hemisphere, treating everyone as equals and opening up these barriers; that except for the first couple of millenia, where most fights were over turf and not necessarily the product that was grown on that turf, but in modern times, especially since the industrial era, the most annoying thing to triggering struggles that eventually turn to bloodshed of the youngest, most able members of societies were those caused by trade barriers.

Removal of trade barriers causes nations to grow in commerce, which is the dream of all civilized people, to say, "I would like to visit your country. You visit mine. What do you make? Here is what we make. Let us start trading things."

Mr. KOLBE. Reclaiming my time for a moment, I just want to inject here, the gentleman made a point as eloquently as Jack Kemp did today in the remarks that he made at lunch when he talked about this as a vote for freedom, freedom for Americans, for people everywhere.

We vote not only when we go to the ballot box, but we vote every day when we take out our wallets and we spend our dollars. There are two ways we can increase our income. One, we can have growth in productivity, which allows us to get a larger real wage. The other way we could do it to reduce the cost of the products we buy.

Mr. DORNAN. Exactly.

Mr. KOLBE. When Mexicans or Americans can get more choices and lower costs, then we have more money, disposable income, to spend on other products. That is freedom. That is increasing our freedom and increasing our real wealth.

We tend to forget in this debate all the time, and I know my colleagues know this, we tend to forget the consumer. We are always talking about protecting this job, protecting that job. What about the American consumer? What about consumers all over the world that have an opportunity to buy more products, to have more choices, to have lower prices?

Consumers need to be spoken for, too, in this debate. I think that is a very important point.

□ 1900

Mr. DREIER. If the gentleman will yield on that particular point, one thing that needs to be underscored again is we have looked at the improvement of U.S.-manufactured automobiles that has taken place. I know

my friend from Garden Grove has a few old clunkers that were made in the early 1980s.

Mr. DORNAN. Nineteen seventy-eight, my Bronco.

Mr. DREIER. A 1978 Bronco. Some of those vehicles do not run nearly as well as those made in 1993, 1992. Why? Because of worldwide competition. Japanese and German automobiles came into the United States, and most every domestic automobile manufacturer acknowledges that if it were not for that competition that came to the United States, we would not have seen the tremendous improvement in the quality of automobiles, and trucks, and Broncos and other things built right here in the United States. It is worldwide competition which has improved the quality of life for people not necessarily buying those items from other countries, but because of the availability of those other items from other countries. It is the enhanced quality of life here in the United States.

Mr. DORNAN. I have to race off, so let me ask you guys a goodbye question. My staff is taping all of this so that I can look at your charts, along with the 1,300,000, maybe more, people following the proceedings of this House, and Madam Speaker knows that they are paying attention. And I think some of the debates on this floor, not that little quickie debate on Larry King last night, may get rid of this fearmongering. When we go back in, we are building up to this vote on the 17th, a week from today. If we can have like truth squads on the floor next week to at every point politely ask people to yield, to stop the fearmongering and to counter, always calmly and with truth. I think one of the reasons my colleague, AL GORE, my former classmate from the great class of 1976, prevailed last night was that he kept his cool, and he responded, and he asked many tough questions. And when Ross Perot, my friend of many decades of fighting for our missing in action, looked at him and said, "Work at it," I said to myself back at my pal, Ross, will you work at it, please, and come up with some facts and figures, because when Vice President GORE said how are you going to help those 80 million people, even if we were to accept this fallacy that they all live in poverty, with a sombrero on and a serapi, leaning against a wall wondering where their next job is coming from, if that cliche, sort of racist image were true, then where were Ross Perot's answers on what to do for them. He said study it and come up with a better treaty.

No. This thing has been studied to death, and the moment is now, a week from today.

Mr. DREIER. You know, the response to coming up with a better treaty, of course, is to come up with a treaty that the loser presidential candidates can all support, Pat Buchanan, Jesse Jackson, Ralph Nader, Ross Perot, Lyndon LaRouche, Jerry Brown, those six. And there are also a few of our colleagues might be included in that mix, TOM HARKIN, DICK GEPHARDT.

I mean the fact of the matter is trying to come up with an agreement that could gain the support of all of these people with very disparate views is impossible.

Mr. DORNAN. You guys have worked so hard. Are we getting some of these Nobel laureate economists to visit the Hill next week?

Mr. KOLBE. We certainly have them speaking to Members.

Mr. DREIER. They have met with the Members, and that is the most fascinating thing. Paul Samuelson's statement that he made at the White House was incredible. He said when Milton Friedman and I walk up the sawdust path together, now there has got to be something right. And the way he put it in his statement down there, he said, "You know, the opponents to the NAFTA looked long and hard to try to find a Nobel Prize winning economist who would oppose NAFTA." Thirteen of them are alive today. Every single one supports the NAFTA.

And the President made it very clear. He said that those 13 economists have more disagreement on things than all of the living former Presidents, Democrats and Republicans do.

Mr. KOLBE. I think that the gentleman has made an important point.

Mr. DORNAN. I will just say goodnight, it is good working with you, and let us do it again next week.

Mr. KOLBE. We thank you for your contribution.

I want to thank the gentleman for his point there, because I think you made a very important point, and that is the people you just mentioned, ranging from Jerry Brown to Pat Buchanan, all of whom oppose trade, all of whom are against free trade, have not been successful candidates for President of the United States. We need to have people out there who are in favor of free trade speaking in behalf of it. Those are the kinds of Presidential candidates that will be successful.

As my colleague pointed out, every single former living President is in favor of this, every single former living Secretary of State, every single former living Secretary of Commerce is in favor of this, 300 economists, every one of them, the Nobel Prize winning economists are in favor of it. Are they all wrong and Ross Perot is correct? I doubt it. I think there is something else, and I think the American people are beginning to understand this issue, that this really is about creating jobs, about making more opportunities or Americans to have work so that we can sell our products in other countries.

There were many issues that were raised by Ross Perot last night in his debate, but one of them I wanted to bring up at this point. He said well, people who do not make anything cannot buy anything. That is another one of these subliminal racist kind of remarks that we hear all of the time that harkens back to the old stereotypes about Mexico. The reality is that Mexico is the second-largest market today, even with the tariffs that exist it is the second-largest market for our products. It is the third-largest market for our U.S. farm products, the second-largest for our manufactured products.

They spend, as my colleague has pointed out, they spend 70 cents of every dollar that they spend overseas on U.S. products. And they spend more, and I think this is astonishing that here is an economy with a per capita income one-seventh of the United States, and roughly one-seventh of that of the EC countries, and one-seventh of that of Japan, and they spend more on a per capita basis, that is every Mexican, if you took all of the purchases from Mexico of United States products, they spend more, $450 per person per year on United States products, $450 more than the Japanese do, who are our second-largest trading partners. And they buy $385 in products. We have a chart right down there which shows that very well. And the European Community buys an even lesser amount.

Mr. DREIER. Two hundred ninety-six dollars.

Mr. KOLBE. Considerably less than does Mexico.

So here we have a good example of how Mexicans are buying today, and if we bring these tariffs down we will have more opportunities to do this.

I know we have been joined here by a couple of our colleagues, my friend from Washington, JAY INSLEE, who has just joined us, and I would like to yield to him. I just want to say that he has been a real stalwart on this battle, and it is not an easy fight that we are in right now. And I appreciate the leadership that you have shown on your side from the State of Washington.

Mr. DREIER. Will my friend yield for just a minute?

Mr. KOLBE. Yes. I know that the gentleman wants to make an introductory remark.

Mr. DREIER. All I wanted to say is that Mr. INSLEE'S presence here demonstrates the fact that this is a bipartisan effort. Democrats and Republicans are working together for free trade, and breaking down barriers to expand opportunities for U.S. manufacturers to sell worldwide, and for consumers to benefit in this country.

Mr. KOLBE. I thank you, and I yield to the gentleman from Washington.

Mr. INSLEE. I appreciate that, and I am sure you appreciate how much I appreciate being involved in this bipartisan effort. I think when you have such a bipartisan effort it shows the attraction and the benefits, the mutual benefits, and it does not happen very often

around here where we have a bipartisan effort. To me it shows me that when people of different minds can be attracted to something, this is a unique situation, to have the attraction of both sides for free trade is unique.

But I just want to comment on a couple of things that have happened in the last 24 hours, and then ask you gentleman a question. To me the democratic process has truly gotten into high gear when it comes to the NAFTA debate. What I mean by that is it has been my belief if you combine the common sense of the American people with the very accurate knowledge about an issue before them, the right thing happens. And that is what started happening in high gear last night, because we have the common sense of the American people who got to see the Vice President of the United States blast away a lot of the myths about the NAFTA treaty and actually give the American people the facts. And I will tell you what has happened.

What has happened is that the polling done right away last night shown there was a 23-percent jump after listening to the Vice President talk about the facts of NAFTA. It went from I think 35 percent pro-NAFTA on those who heard the debate, who cared enough about this issue to tune into their television sets, and it went up to 57 percent in 1 hour. And we have been working for weeks and weeks, and in 1 hour, when people heard the facts, they took this giant jump.

But even more importantly, the gentleman referred to the Noble Prize winners, the economists who have been in favor of this, but I will tell you who is even more important in my analysis, is these four fellows who are in a carpool every morning driving to the Hanford Nuclear Reservation in my district. We got a call from them.

Mr. DREIER. I was going to mention them, and I forgot.

Mr. INSLEE. But they called up, and they said, "You know, we have been in this carpool now for 3 months, and every morning we are saying how do you do, what's up with the wife and kids, et cetera, and then we talk about NAFTA."

□ 1910

And we have had bad-mouthing of NAFTA from one end of the Fourth District to the other. You know, it is the craziest thing, we all went home the other night and we watched the debate. We learned what, in fact, is the situation with the Mexican tariffs, that their tariffs are twice as high as ours. We learned that that is going to be knocked down to zero. We found out that we are having a trade surplus with Mexico. And we found out that they buy $450 per capita of goods here. And, you know, four people got in that car this morning and said, "It is the darnest thing, we are all for NAFTA now."

It seems to me that this is democracy in high gear. Great things are happening, maybe in part because of the bipartisan effort here but also because I believe the facts got delivered.

I was just wondering, our phone calls got turned around this morning, all the way around. I just want to yield to all the gentleman here and ask was your experience the same as mine?

Mr. KOLBE. Reclaiming my time if I might, and I appreciate the gentleman's contribution because I think he makes a good point. This is democracy in action, having this debate last night. It really has focused the American people on this issue.

The calls in our district office as well as here in Washington have changed fairly dramatically and are much more in favor. As the gentleman pointed out, those supporting NAFTA went from 34 to 57 percent. That is the first time we have had a majority who have been in favor of the North American Free-Trade Agreement. Those opposed dropped not nearly as much as the increase, but dropped from 38 to 36 percent. There were some other interesting statistics that came out of that debate. None of us is going to make our decision now on the basis of a debate, but I will come back to why I think it is important. In terms of those who say NAFTA will result in more jobs, 58 percent believe it will result in more jobs and 38 percent believe it will result in less jobs. That is the first time we have been able to win on that fundamental and basic argument.

Why is that important? Because I know my friend from Washington has heard this from a lot of his colleagues as I have from ours, they say, "Gee, I know NAFTA is good, I know NAFTA is the right thing to do, I know it is good for the United States, but I just can't be for it because I have heard all these people, the Perot people who are against this thing," or, "I have been beaten up by labor unions at home and I just don't have any support." Well, there is support, and the American people are coming to support and to understand this issue. I will say to my colleagues that in order to cast this vote, it is not going to be on the basis of what is good, ultimately, for jobs for America and for their districts but on what they put their finger to the wind and what they think it is going to be. The day will come, and it will not be too long, before people will be asking, "How is it that you voted against consumer interests, how is it you voted against providing jobs in this country, how is it you voted against America's interests in Latin America?" They will have to answer for the vote that they will cast against this.

I am happy to yield to my friend from Orange County—and we have many from California who have been joining in this debate—now from Orange County, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Well, that is because the issue to be determined means a lot to the future of California. We are in a tremendous economic slump in California. Unemployment is near 10 percent, people are suffering, they are losing their homes, the aerospace industry is in a time of transition from the cold war to the post-cold war world. California is having a very difficult time adjusting.

NAFTA, the Free-Trade Agreement, would mean more for the benefit of our people in California and perhaps other people around the country because we are in close proximity to Mexico. A growth in the Mexican economy would mean substantial growth and job creation in California.

But what I am afraid of right now is that once the information gets out about that, that the policymakers will not be able to make the right decision because they have been intimidated. And that is something I really fear.

In my own area it is very evident that NAFTA is going to really benefit the people of southern California. In McDonnell Douglas we have a strong aerospace presence in southern California; McDonnell Douglas builds commercial airliners. In the future McDonnell Douglas will be able to sell its commercial airliners to Mexico absent a tariff. Our competitors in Europe, the European Airbus manufacturers, they will have to spend a 10- to 20-percent tariff. They will have to try to cope with that as well as compete with us. We will outcompete the pants off those people if the Free Trade Treaty goes through. That means aerospace jobs right in southern California and, I might add, in Seattle and other areas around the country, but it is more important in California because we have such a high unemployment rate.

Mr. DREIER. And because we live there.

Mr. ROHRABACHER. We live there, and I represent that area, it is important, of course.

AST computers, for example, thousands of people in Orange County work in AST computers. We make a lot of computers in California. If the Free Trade Treaty goes through, AST—and by the way, today they announced they are laying off 650 people, 650 people out of work, unable to pay their mortgage, unable to pay their bills. What a tragedy right before Christmas season, that they are going to lay these people off.

With a Free Trade Treaty, they will be able to sell their computers in Mexico while the European and Japanese competitors will have to pay a tariff, and that will give us the competitive edge. It will save the jobs of the people who are being laid off right now. It is so evident that NAFTA will help in southern California.

We have television and we have the records industry, billions of dollars into our local economy——

Mr. KOLBE. If I may reclaim my time and follow up on that point, I know the gentleman has a great deal of telecommunications industries located in his area. The Mexican telecommunications industry is going to be investing more than $5 billion in the next 4 years. Now, they expect to do most of those purchases in the United States. They have a consortium partnership with Southwestern Bell. There is going to be a tremendous market for U.S. telecommunications, whether it is optical fibers, switching gear, all the telephone equipment that is going into modernizing their industry. They have a long way to go to modernize their telephone system. There is just tremendous opportunity for us.

We turn this down, so why would not Mexico go with the Japanese, at NEC, or Siemens in Germany, and say, "Hey, are you interested in doing business with us? The Americans aren't interested in doing business."

Mr. ROHRABACHER. Those are solid manufacturing jobs that the gentleman is talking about, the very jobs that the opponents claim we have been losing overseas, manufacturing jobs will be created.

I was not even referring to those manufacturing jobs; I was referring to the jobs of all the people in the film business, in the records business, the music business, people who are tape editors and sound engineers, people who sell records and things such as that. For the first time, intellectual property rights will be protected, those intellectual property rights of American citizens will be protected in Mexico. That is a country with a vast potential market for American films and American music. For the first time that is going to be protected.

That means billions of dollars for the southern California economy. Still you have these people representing southern California, "Well, they do not know whether they are going to vote for it," and some of them say, "I am opposed to it." And when you ask them about it, what really is the reason that they are opposed to it, they give you these answers that are almost incomprehensible, almost like Ross Perot's answer last night as to how he would really change the treaty, last night in the debate.

Mr. DREIER. Study it.

Mr. ROHRABACHER. You listen to him, and what he was saying, a bunch of gobbledygook that you cannot even understand. And when you ask some of our own colleagues that, you get the same kind of answer. And I am convinced some of our colleagues in this hall, in this House, have been intimidated by Ross Perot and his people.

Last night Ross Perot finished his presentation to the American people, looking into the camera with a smirk on his face, threatening the people of this body, not telling them to do what is right, but telling them, "You do what I want you to or we are going to kick you out of your job."

This type of threat, I believe, has a deleterious effect on the free exchange of ideas and the free discussion of NAFTA here in this body.

Mr. KOLBE. I will yield further, but I want to say I think the gentleman is absolutely right. I do not think the threat that Ross Perot makes will work because in the end the people of this body, the men and women who serve in this body, will do what is right for America. And they know that what is right for America is what is in her national interest, and that is more jobs, that is more trade, that is more freedom, that is more national security that comes with the North American Free-Trade Agreement.

Mr. ROHRABACHER. One last point.

Mr. KOLBE. Yes, of course, I want to continue the dialog and we will come back.

Mr. ROHRABACHER. If the vote was going to be anonymous, if we were going to be able to do this without publicly announcing the votes, I am convinced that it would pass this body overwhelmingly. But people have been calling my office using profanity to the women members of my staff, because of my position on NAFTA. My townhall meetings were invaded and disrupted. People were threatening people, using vile language.

Mr. DREIER. Tell them about the vote that took place in one of your town meetings.

Mr. ROHRABACHER. Well, in fact one of my townhall meetings, when the Perot people invaded this town, they tried to take it over. I finally had to tell them to sit down or shut up and get out. They can express themselves, they can ask questions, but other people have to be permitted to do so. They intentionally were disrupting the communication that was going on.

□ 1920

Finally I took a vote. I said, "We are going to have a vote on NAFTA. We are going to have a vote and see how many people here want NAFTA." Because all I heard were voices, loud angry voices threatening me about NAFTA. It seemed like everyone in the townhall meeting was against NAFTA.

When we took the vote, the vote was about 60 to 40 in favor of NAFTA, but the other people were quiet. They were considering the issue, and when they listened to both sides, and I tried to keep my cool, just like Vice President GORE did last night, they got the word, and I have faced not only in the people in this body, but I have faced in the American people. Like the fellows in that carpool, they are going to see the truth of this argument.

Mr. KOLBE. I agree absolutely.

Madam Speaker, I am delighted to yield to my friend and colleague on the Budget Committee, the gentleman from the great State of Connecticut, the nutmeg State [Mr. SHAYS]. I have worked with the gentleman on a lot of budget issues, and I have to tell you, this is an individual who has been a real leader on budget issues, and I think has taken some very courageous stands on the North American Free-Trade Agreement, and I am happy to yield to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Well, Madam Speaker, I thank the gentleman for yielding to me.

The gentleman from California [Mr. ROHRABACHER] was talking about what is right for America. I was thinking about a meeting I had with a group that was strongly opposed to NAFTA. They said because all of them were against NAFTA, then I should be, or else I was not representing my district.

I had one man lecture me about representation, and I found out later he did not even come from my district.

I just find intriguing the kind of pressure that is being put on; but this is part of the job and it makes it very exciting.

Also the bottom line is that we are trying to do what is right for America, those who are voting against and those who are voting for it.

I think in terms of this comment of what happened on August 12, 1941, there was a large group, a majority of the American people wanted to draw in. They wanted to isolate themselves. They thought if we eliminated the draft, that maybe we would not end up in war with Germany or Japan.

The majority said to end the draft, and yet there were brave souls who decided to do what was right for America, and in a vote of 203 to 202 they continued the draft, and 4 months later Pearl Harbor was under attack.

I think in terms of this vote being something quite similar. As people realize what NAFTA is all about, they are going to be very, very supportive of it.

I have only spoken three times in these opportunities for special orders in my 7 years here. I was drawn by what the gentleman was saying and wanted just to come down and thank the gentleman for educating people, because the gentleman really stood out, I say to the gentleman from Arizona [Mr. KOLBE] before so many others.

Unfortunately, the President was focused in on his budget and did not get the American people energized, so a lot of people committed themselves to saying no on NAFTA before they really knew what it was about.

Mr. KOLBE. Just reclaiming my time for a moment, Madam Speaker, and I will yield right back to the gentleman, I think that is a very important point.

Unfortunately, we lost a lot of time in this debate while the President was negotiating side agreements. We all

understand the reasons. He made a commitment during the campaign that he would get side agreements on labor and the environment.

But what happened is that it put us in neutral from January when this administration came into office until the middle of August when the side agreements were done.

During that time, while the gentleman and I were trying to get the business community and others, trade associations and so forth, who understood the importance of the trade agreement that had been signed by President Bush, the North American Free-Trade Agreement, to get them energized to work on their behalf, what we found was that they were saying, "Well, yes, we're for the trade agreement, but we don't know what the side agreements are going to do." So they held off.

During that same time, the opponents were not holding off. They were not waiting to see what the side agreements were going to be. They knew they were going to oppose this and they spent those 8 months hammering away and getting a lot of people to come out early with commitments.

We have been playing catch-up here, but I must say, in the last few days with the work that people like my friend, the gentleman from Connecticut has been doing, talking to Members, sounding them out, finding out what their concerns are, educating and convincing them, allaying the concerns that they have, we are making tremendous progress.

I am not going to stand here on the floor tonight, as some on the other side who oppose this, and claim that we now have 219 or 220 votes in favor. That is not true anymore, neither does the other side have 220 votes against it. They know that. They are only trying to do that in order to stop the continuing flow of people from the undecided column over to the favorable side.

But we are moving in the right direction. We are getting closer. We are closing in on the magic number of 218.

I know that 1 week from tonight when we have this vote on the North American Free-Trade Agreement, my colleagues will not fail to do what is right for America. We will pass the North American Free-Trade Agreement.

Madam Speaker, I am happy to yield further to my friend, the gentleman from Connecticut.

Mr. SHAYS. Well, I just say, I pray the gentleman is right, because I consider it such an extraordinarily important issue.

I view this as a win socially for Mexico and the United States, a win politically for both countries, a win economically, a net win economically for both countries, and even environmentally.

I wanted to speak to that, if I could.

Mr. KOLBE. I wish the gentleman would talk about some of the environmental concerns that are in here.

Mr. SHAYS. I look at this as someone who has had a 100-percent rating from League of Conservation Voters for 4 years. I am not unmindful of environmental concerns and the strong laws we have, and know that they are not compromised.

But where the logic escapes me on the other side is that somehow they say NAFTA does not cure Mexico's environmental problems, as if defeating NAFTA will.

What I see is the extraordinary economic activity and opportunity that exists for foreign countries in Mexico.

If we say no to Mexico, it seems to me our preferential opportunities there are going to then come to Japan and the other Asian and European nations. Instead of an American company on either side of the border, we will have a Japanese or German company.

How then are we going to get that German company or that Japanese company to honor American law and to respect our environmental concerns? How are we going to get those countries to care about the environment in North America?

I submit that an American company established in Mexico is going to be far more concerned about our environment.

Mr. KOLBE. I think if I might join in on this part of the debate, I think the gentleman has made an excellent point. It boils down to that one question. The status quo, we know we have got problems. I live along the border. I grew up on a ranch that is only 15 miles from the border with Mexico. I have watched through the years as the growth has taken place along there, as Maquilladores plants have been built, as there has been industrial growth along there. I have seen the problems that have come from border environmental problems, the degradation of the environment, and the fact that we have this artificial barrier of a political boundary that makes it difficult for us to work together to solve some of these problems.

How does one believe the status quo, which is that we have environmental problems, is going to be better than solving the problems cooperatively?

I think it is worth noting, Madam Speaker, what has happened in Mexico and is happening today in Mexico with regard to the environment. Mexico's environmental law, which is modeled after our own Clean Air and Clean Water Act, all sides would agree on this, I think, is a good law. Even the opponents concede it is a good law.

But they say, of course, it is not getting enforced. I would concede that enforcement in Mexico does not come up to the standards that the United States has for enforcement of environmental education. After all, it is a country with an economy a fraction the size of ours, a per capita income that is about one-seventh the size of ours, but they are spending more and more of their resources.

I might add, over 3 years time they have committed $400 million to border environmental problems. That is $400 million more than the United States has committed to the problem, even though we said we were going to do something about it.

Every time it has come to the floor of the House of Representatives in an appropriations bill, we have defeated and taken out the appropriations for border environmental problems, because we have not had the concern. Mexico is doing something about the problems along their side of the border.

Madam Speaker, I am happy to yield again to the gentleman from Connecticut.

Mr. SHAYS. It seems that we first care about breathing, and then we care about feeding ourselves, and we work to deal with the other concerns that we have. Mexico is a country with a tremendous amount of unemployment.

Mr. KOLBE. And we are not that many years past the Love Canal in our own country.

Mr. SHAYS. I had a Mexican say to me, "You know, you worry about what happens down there, but am I wrong, Congressman, that in a 4-day period you have 17 people murdered in your Capital? What are you doing to protect your citizens? What are you doing to help your own citizens?"

We have some things that we need to focus in on ourselves, but I just would like to make this point, if I could.

When I was working in the private sector, I had a 6-month opportunity to do a risk analysis for a Fortune 500 company in 1982, to have one of its subsidiaries go down to Mexico. At that time you had to have Mexican ownership.

□ 1930

The American company could only have 49-percent ownership. After looking at this and the opportunities in Mexico, I advise them not to go in, but we have seen a significant change now. You can own a company in Mexico, and the maquiladora plant, I mean that, to me, is not a good situation for the United States, but that disappears under NAFTA. You used to, in order to sell in Mexico, have to have Mexican content, and we do not have to have that today.

So, when I have someone tell me they are unemployed because of NAFTA, I say to them, "NAFTA hasn't gone into effect. You are not unemployed."

Mr. KOLBE. I had a woman come up to me the other night after debate that I did in my district who said, "Everyone in my family has lost their jobs because of NAFTA."

I said, "Excuse me. We are about to vote on it. We haven't done NAFTA yet."

But I think it is again one of the fears and the misconceptions that we have here.

If I might, I will just yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Well, I think the gentleman is making a really significant point. I hope people are not missing this.

I ask, "How many times have you listened to a speech about NAFTA and heard all of the horrible things that are going on?"

Ross Perot did it last night, the environment, how horrible it is down there, the working conditions for the people down there, how horrible it is down there in Mexico.

I mean it's over and over and over again we hear about the horrors in Mexico.

Mr. DREIER. Does the gentleman mean to tell me NAFTA is not responsible for that?

Mr. ROHRABACHER. My goodness.

Mr. DREIER. We have not had NAFTA for years?

Mr. ROHRABACHER. We are debating about whether there will be a NAFTA, and I think the Vice President's greatest point was: How are we going to make that better?

That is what NAFTA is all about.

As my colleagues know, I am a surfer from California, that is what I have done, and I will tell my colleagues when we talk about environment down in Mexico——

Mr. DREIER. And a darn good one at that.

Mr. ROHRABACHER. I am the best surfer in Congress, the only surfer in Congress, but the best surfer.

Mr. DREIER. Not necessarily the only one.

Mr. ROHRABACHER. But I used to go down to Mexico, and there was a problem that we knew about, the pollution into the ocean in Mexico because Mexico did not treat the sewage that was being dumped into the ocean, and it would cause sickness among surfers and other people who went into the water there.

Well, why did Mexico do that? Mexico did that because it was a poor country. They did not have the money to actually build the treatment plants, and, when the Mexican economy goes up, and they start putting money into protecting their environment, which is what countries do when they have more wealth, when they get over the situation where the workers cannot even pay for their family homes and things like that, when they get beyond that stage they will be investing in this environmental technology.

No. 1, it will make the environment better; but, No. 2, who is going to sell them the environmental technology? It is going to come from the United States. It is going to come from workers in our country who produce the machines that will help improve the economy in Mexico.

This is a system that works on itself, a better economy, a better environment, better jobs on both sides of the border.

Mr. KOLBE. Madam Speaker, I appreciate the gentleman's comments, and I think he said it as succinctly as it possibly can be said, and that is that we cannot have improved environmental conditions unless: First, we have improvement in the economy in Mexico; and second, we have a cooperative spirit. We are talking about border problems, cooperation between the United States and Mexico.

The cooperation that is going on right now is absolutely fantastic. I do not know if the gentleman knows, but Mexico City is the only country in the world where we have an EPA person in the embassy. We actually have two of them now in our embassy down there. They are hungering for the technical advice that we can give them on auto emissions, on how to solve their problems, and when people tell me that the Mexicans do not care about the environment, I ask them to go to Mexico City. It is a very polluted city, and every one of them, they know that.

For one thing it is at 6,000 feet. Less oxygen makes it very much more difficult to solve the problem than we have even in the Los Angeles Basin. But every one of the media leaders, the public opinion leaders, the politicians, the business leaders in Mexico, lives in Mexico City.

And I heard it so well from President Salinas when he said, "When my daughter comes home from school," and he is a very young President, and he has got very young children; he says, "When my daughter comes home from school and she brings me a picture of what her dream of Mexico is, and that is to have a sky with stars in it at night, which she says, 'I have never seen in Mexico City,'" he says, "how can I not be affected and moved by that?" He says, "I go to schools, and the only thing I ever get from children, is: 'What are you going to do to clean up the environment?'"

Well, a Mexican politician is no different than a politician in this country. They need to be able to respond to those concerns, and they are responding. They are responding with good laws, and they are responding with good enforcement.

Mr. ROHRABACHER. But they have got to have the resources.

Mr. KOLBE. Exactly.

Mr. ROHRABACHER. And to so many people that fear an expanding economy in Mexico—in fact Ross Perot would rather have us condemn Mexico to what it used to be 20 years ago rather than seeing a growing economy because he is actually, when they call him a fearmonger, I think that was a very good expression by the Vice President. He wants us to be afraid of an expanding economy in Mexico.

Mr. SHAYS. And a solution was to actually raise the tariff, and he said, "As their economy improves, then we can lower it."

How in the world is their economy going to improve when we raise our tariffs?

Mr. KOLBE. Well, that of course was the Smoot-Hawley approach back in the 1930's, and it did not work there.

Madam Speaker, my time is about to expire here, and, as we end this part of the debate, at least I think my colleagues will be able to continue this, and I will join them in that. I just want to say that I believe that this debate that we are having, and this discussion, I think, is absolutely critical if the American people are going to understand the issues that are involved here and if our colleagues in Congress are going to understand and cast an intelligent vote.

I want to thank my colleagues for joining in on this debate.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3116) "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes."

NAFTA

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

Mr. DREIER. Madam Speaker, I would like to continue the discussion that we have going on with our colleagues here, and I would like to focus on a couple of points that have not been made. I would like to begin by referring to the support that exists in this country for the North American Free-Trade Agreement.

Now we have talked about the fact that all 13 living former Nobel prize winning economists, Milton Friedman, Paul Samuelson, right down the line strongly support the NAFTA, and Paul Samuelson indicated that those who oppose the NAFTA have tried desperately to find a Nobel Prize wining economist who opposed the North American Free-Trade Agreement, and they could not do it.

Now we have all sort of questioned the economists in the past. In fact, our Labor Secretary has said, "An economist is one who doesn't have the personality to be an accountant." But it seems to me that we need to look at the other base of support.

That is one that ROHRABACHER is going to write down I see. It seems to me that the gentleman can attribute that to Robert Reich, Secretary of Labor.

It seems to me that we need to look at the other support that there exists in this country for the North American Free-Trade Agreement. Now I know that my friend, the gentleman from Arizona [Mr. KOLBE], and I have had the privilege of sitting in the East Room of the White House when former President Bush, former President Carter, and former President Ford joined with President Clinton to support the North American Free-Trade Agreement. In the speech that was delivered by President Clinton he said that, as a former Governor, he knows that every single Governor wakes up every morning and faces their No. 1 priority, and I know that my friends are well aware of exactly what that priority is. It is to create jobs in the State that they govern.

Now, Madam Speaker, of the 50 Governors there are 2 Governors who have come out in opposition to the North American Free-Trade Agreement. Those two Governors happen to be Gov. James Florio of New Jersey and Gov. Doug Wilder of Virginia. Those are the only two Governors who have come out in opposition to the North American Free-Trade Agreement, and, as we all know, Governor Florio was defeated, and Governor Wilder's term has expired.

□ 1940

Mr. DREIER. Madam Speaker, let me say that if we look at the 50 Governors, I mentioned the two who had been strong opponents. One was defeated and the other's term expired. If you look at the support base that exists out there, there are 41 Governors who strongly support the North American Free-Trade Agreement. They do so because they know that it is going to create jobs in their States, creating opportunities for exporting products manufactured in their States. That is why I have been so hard pressed to understand how our colleagues here, who are to be the representatives of the people, and I know my friend from Connecticut has referred to the fact he was lectured on representative government, how our colleagues can be Representatives and not realize, as the Governors who are daily on the front line, trying to create jobs for the people whom they represent, how they could possibly oppose the North American Free-Trade Agreement.

I know my friend has talked about representative government, and I have always thought that the quote that was delivered in 1794 by the father of conservatism, a former member of Parliament in Great Britain, Edmund Burke, really hit the nail on the head. And I think the vote we will face here is probably more akin to that statement of Edmund Burke than almost anything.

Burke said, "Your representative owes you. Not his industry only, but his judgment as well. And he betrays, rather than serves, if he sacrifices it to your opinion."

This basically means that if we as Members of Congress are simply weather vanes, at the whim of a few constituents, remembering that we each represent about 600,000 people, if that one person talking there has said you have to do what I and the six people I have in this room want or you are not representing us, as your job states, then that would really be an abrogation of my friend's responsibility as a representative from the State of Connecticut. And I congratulate him for understanding what representative government is all about.

I am happy to yield to my friend from Newport Beach.

Mr. ROHRABACHER. You know, it is not just the primary responsibility of Governors to look out for jobs. That is what this Congress is supposed to be all about, because we realize we are not going to bring down the deficit, we are not going to be able to solve some of the social problems that plague our country, unless we maximize the number of real jobs that are available in our society.

Jobs are a great social program. I think that perhaps one of the reasons people have a wrong idea about what this NAFTA will do about jobs is because they have been fooled with maybe some of the charts that Ross Perot has been showing for the last 6 months.

Now, last night when Ross Perot was debating the Vice President, I do not know if you noticed when he very quickly showed the pie chart about what United States exports are to Mexico. He said, "You see, only 17 percent of those exports really count, only 17 percent, because those are the only exports that reflect a consumer in Mexico buying an item that was manufactured in the United States."

Seventeen percent. In other words, all of the aerospace workers who work in my district who produce airplanes and sell them around the world, their jobs don't count. The export market of American aircraft overseas, according to Ross Perot, to hell with their jobs, they do not count on the export-plus for the United States. They do not make it on his pie chart because that is not a consumer item that is purchased by a consumer in some other country. Well, that is how our people are employed in southern California.

By the way, the people at Caterpillar Tractor, they are selling thousands of Caterpillar tractors to help Mexico build their roads. Of course, their jobs do not count either under Ross Perot's analysis because that is not a consumer buying a Caterpillar tractor.

Mr. KOLBE. If the gentleman will yield, I was down in Hermosillo a few months ago, which is the capital of the state directly to the south of me. I went to a place where they were building the first luxury golf course and country club in Hermosillo, a sign, in and of itself, of the growing prosperity of that part of northern Mexico, that they are now building this country club with fairway lots that are going to sell for $75,000 or $100,000, not a bad price by Mexican standards.

They were building this golf course. It was an 18-hole golf course, and they were going to add another 9, so it was going to be a 27-hole golf course. They were trying to build the entire 27 holes in 11 months time.

I ask them, because there was a sea of Caterpillar equipment running all over the place. Earth movers, graders, bulldozers.

I said, "How many pieces do you have here?" They said, "We have more than 100 pieces on this job down here."

Now, this is Peter Cuett, one of the largest contractors in the world, and this was their first job in Mexico. So they had all their top executives on this job, because they were watching to see how it went in Mexico. I said. "What are you going to do with that equipment when you are finished?" He said, "We are moving on to other jobs here in Mexico and we are going to bring more equipment down here in order to do those jobs."

Folks in Peoria and Decatur, IL are making that equipment. To be exact, the year before last, $360 million were sold by Caterpillar in Mexico alone. Exactly $360 million.

Mr. DREIER. If I may reclaim my time on that specific point, last Saturday afternoon I, in Mexico City, went, and my friend from Tucson referred to this earlier, to the Telmex operation in Mexico City.

Now, we know that in this House there are people from Ohio, Michigan, and Pennsylvania, who have harshly attacked the NAFTA, saying it is going to create this flow of jobs to Mexico.

When I went into Telmex and looked at equipment, some of which is still running today and has been in operation since 1929, they have not updated telephone equipment in some parts since 1929. I moved around the switching operation there are Telmex. And I was so struck when my friends mentioned Caterpillar. The energy source for Telmex is a huge Caterpillar generator that is inside, right there in the interior of this operation there.

Now, the other thing that struck me as I looked at other equipment in there, I wanted to go up and look at the labels, its place of origin.

One of the most virulent opponents to the NAFTA is a freshman Member of ours from Lorain, OH. There is a huge operation that produces energy sources, power sources, made in Lorain. And I know that many of those

jobs in Lorain moved to Mexico. There is in fact a Lorain de Mexico operation which has shifted from Lorain, OH to Mexico.

I talked to the people about this. They explained, "Of course, if we had a free-trade agreement, it would not have been necessary to see the movement from Ohio to Mexico that provides this equipment for Telmex."

If you look at the tariff barrier that exists, ranging from 10 to as high as 20 percent on computers, and that tariff barrier forced operations in Lorain, OH, to move and establish Lorain de Mexico so they could produce cost effectively those items for the new Telmex operation power sources.

I was also struck with other equipment I found there from Gaithersburg, MD, and, of course, from Peoria, IL. Many of these items are there today, but many of them have been produced by Mexican workers. Not because of cheap labor, but because of the tariff structure that exists, that prevents United States-manufactured items from getting into Mexico. Of course, bringing down these barriers is going to greatly enhance our opportunity to do that. And we have got to remember, many of these items are produced in Germany and Japan, and these tariff barriers that exist on computers, computer chips, and other things, remains. I know my friend mentioned earlier IBM.

□ 1950

The fact of the matter is the tariff on computer systems, this is a low of 10 percent. It is as high as 20 percent. The chief executive officer of IBM has said, if the NAFTA is passed, there will not be the necessity to move operations in our State of California from California to Mexico. Why? Because the tariff barrier which is so high, 10 to 20 percent, will come down to zero, being totally eliminated. But if the North American Free Trade Agreement is defeated, the IBM operations will have virtually no choice whatsoever other than to move to Mexico for their operations.

But remember, the Japanese and the Germans will still have to overcome these great hurdles that are there.

Madam Speaker, I yield to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Madam Speaker, I have been so intrigued by these charts and just the logic of a barrier that is eliminated makes it so much easier for Americans to sell in Mexico. I view the NAFTA as right for Mexico, clearly, for the United States, and clearly for my own State of Connecticut. I mean, we are seeing our only hope is exports, as our defense contracts are closing in and being reduced.

What I am seeing that is so exciting is the companies that exist in my State, the Xeroxes, the IBM's, and the others, they are able now to be far more competitive overseas. And without these barriers, what we sell in Mexico, our ability to compete more favorably than the European nations in Mexico and the Asian Rim nations, to me is such a clear win.

I know my colleague said he expects NAFTA will pass. I get on my knees, figuratively, and hope that both of you are able to persuade your colleagues. I know you have worked so hard. I am going to be taking a plane home back to my district, but this is the third time I have come, as I said earlier, to this kind of opportunity.

I just feel what you both are doing, and others, is so important and just want to thank you. Hopefully, we will be able to look the American people in the eye and say it passed. We did the right thing for the United States. We did the right thing for Mexico, and we are going to see some very good results.

Mr. DREIER. I thank my friend for his contribution. I have one message that I would like to deliver to him, as he prepares to head to Connecticut. There are a few of our colleagues who have not seen the light on this issue, as my friend has. And I hope very much that as he heads home that he will be able to prevail on some of our colleagues in Connecticut to use the same incredibly incisive reason and logic which he so often brings regularly to the floor of this Congress in letting those people know that we are going to break down barriers and expand employment opportunities for the people of Connecticut.

Mr. SHAYS. There are three Congressmen who intend to vote for NAFTA now and three who are choosing not to. But both our Senators, Senator DODD and Senator LIEBERMAN, have looked at both sides of this issue and have had a lot of pressure on both sides and are strongly in support of it. And I am obviously working with them to articulate, with our three colleagues, that their vote is extraordinarily important.

Just as that debate in 1941, to renew the draft, that some thought was not the popular vote but was the right vote, and 4 months later we learned why, I hope that they will recognize that people will look back on this day next week and say, who came up to the plate and who was willing to take the hit that made a difference in this world.

Mr. KOLBE. Madam Speaker, if the gentleman will continue to yield, before the gentleman from Connecticut leaves, I would just like to say that I appreciate the thoughtfulness of his remarks. I want to reiterate what I said earlier, and that is, these are not remarks said just to flatter the gentleman from Connecticut, but his very quiet and thoughtful support on this issue, I think, has meant a great deal to a number of our colleagues.

You have been an individual that has shown through the years a lot of concern about environmental issues. You have shown a lot of concern about economic issues. You come from a district that has some very tough economic times, I know, as many of my friends from California have suffered with that now. And we did it just a few years ago in Arizona. But you have thought through these issues.

I would say that the thoughtful approach you have brought to this, I think, has been very instrumental with some of our colleagues in helping persuade them to be for this. We thank you for what you have done.

Madam Speaker, I thank the gentleman for yielding further. I was wondering if it might be possible for us to proceed to a slightly different issue and one that I think the three of us, coming from this side of the aisle, need to talk about with some of our colleagues. And that is the issue that has been suggested by some that this agreement represents a significant threat to U.S. sovereignty, that somehow we are going to lose, the United States is going to give away its sovereignty.

I think that is an absolutely bogus issue and one that has been raised by many people, including former Presidential candidate Pat Buchanan.

I am looking here, and I know my colleagues have seen this, a policy analysis that has been done by the Cato Institute. The Cato Institute, as my friends know, is probably the most libertarian think tank that exists here in Washington. It is one that does not believe in Government regulation at all, and so I would have to say that they have a lot of concerns about the North American Free-Trade Agreement.

It is certainly not, as my friends would acknowledge, a pure free-trade agreement. If it was a pure free-trade agreement, we could do it all in one sentence. But it does move us in the direction toward freer trade.

But on the issue of sovereignty, I would just read two sentences that come from the executive summary of the Cato policy analysis, by Jerry Taylor, which is entitled, "NAFTA's Green Accords, Sounds and Fury Signifying Little." And they said this, when talking about the concern that there will be huge international bureaucracies that have the power to impose a new green policy agenda on the signatories to the agreement.

They said this:

> Indeed, no reasonable reading of the treaty warrants the concerns expressed by conservative anti-NAFTA critics. Although some of the NAFTA's environmental language is, in fact, vague and full of potential mischief, the clauses at issue are hermetically sealed within a wall of qualifications, exceptions, loopholes, and countermanding language.

In other words, the argument that somehow the United States is going to give away its sovereignty is, I think, absolutely refutable by this report, which goes on at some length.

For example, Pat Buchanan has said, pass NAFTA and you lose forever your opportunity to roll back Big Government. That is, we will never be able to reduce environmental regulations in this country.

And yet, if you read through this agreement and the side agreements and the implementing legislation, there is nothing at all which would suggest that that is the case, that we are going to lose our ability to do this.

All the agreement says that the United States and Canada and Mexico will make a good faith effort to enforce its laws, whatever they are. And if we do not enforce our laws, if there is a pattern, and it is very explicit on that, a pattern of nonenforcement that gives one country a trade advantage, then indeed, there can be a claim brought against that country.

Now, what is the bottom line, if you go through all these hoops that Cato talks about, all these rigorous barriers that you have that is completely encompassed by all these various things that you have to go through before you can prove that there is a pattern of nonenforcement, what happens at the end if you have gone through all that. You have had the Commission. You have gone through an appeal. You have had a fine. You have not paid it. What is the bottom line. What is the worst that can happen?

You return to the tariffs that exist today.

Mr. DREIER. The ones right here on our chart. That is the greatest penalty that people will suffer in that particular sector. Not for everything, but for that particular sector.

Mr. ROHRABACHER. Let us note that in the Cato Institute, as you say, which is a libertarian think tank, if there was any possibility that you would have government authority of another government on the people of the United States, they would be the first ones to squawk. They would be the first ones to highlight that, because they do not even like government authority of their own government over them. And the fact is that if I, and I am sure this is true of the three of us, I am sure it is true of everyone in this Hall who supports NAFTA, if we did not think this was the best deal for the United States of America, we, sure, we think that as neighbors our welfare is tied to Mexico, a growing prosperous Mexico, but we are not for this treaty simply because it is going to help Mexico. If this was not the best deal for the United States, the best deal for the people of our own areas even, we would not be supporting it.

And the fact is that taking away the right of our people or even diminishing the right of our people to control their own destinies, by one iota, would never make up for a multitude of enrichment in terms of the material side.

□ 2000

We as Americans, the love of liberty is what ties us together. It is not just the struggle to obtain material well-being. It is the love of freedom that brought people here to the United States of America, and the right for us to control our own destinies.

The fact is that this treaty, by providing economic well being for the people of Mexico, will also provide jobs and an economic upsurge for people in the United States. At the same time, by having a more prosperous country, we make our country a freer country.

I worked with Pat Buchanan. I worked at the White House. I heard him last night on "Night Line." He was asked for specifics of what he thought was in some way a threat to national sovereignty. I am afraid to say that he acted exactly like Ross Perot acted earlier with AL GORE. He tried to ease around the subject. He never gave specifics.

I am a patriot. I worked for Ronald Reagan. I worked in the Reagan White House with Pat Buchanan. Ronald Reagan would never concede anything of American sovereignty. Ronald Reagan is solidly behind this agreement. I am solidly behind this agreement. Conservatives who are exceptionally patriotic are behind this agreement.

I think, again, this is just another example of fear-mongering, of trying to basically play to people's fears and anxieties, rather than giving them something of substance.

Mr. DREIER. My friend is absolutely right. I think it is important for us to recognize that we saw two debates last night. We saw Ross Perot debate Democrat Vice President AL GORE. We saw Pat Buchanan debate Democrat Labor Secretary Robert Reich.

Next Monday, the debate of all debates will take place, and I hope that the American people will focus as much attention on those as they did on "Larry King Live" and "Night Line," when we see Pat Buchanan debate one of the great leaders of our party, the former Secretary of Housing and Urban Development and former Member of the U.S. House of Representatives, Jack Kemp.

We had the privilege of having lunch with Mr. Kemp today. He talked about the fact that we are going to be seeing this debate. He talked about the need for economic growth in the United States and Mexico, and breaking down barriers. I think that debate next Monday night, which will take place, and I do not know which medium we will see that on, but I know it will be carried on some forum, probably C-SPAN or one of the others.

Mr. ROHRABACHER. If the gentleman will continue to yield, as my colleague pointed out, the words that could possibly happen, as your charts point out, if there is some sort of situation where, you know, the system that is set up to determine if there has been some violation of the treaty, should a decision be made that we think is to our detriment, the worst detriment that could possibly happen would be that in that specific area the tariffs would go up to exactly the level that they are already, so it could not possibly be a detriment beyond what we already have today.

No. 2, however, let us not forget this. If this treaty is some way a detriment to the national security or national sovereignty or economic well-being of our country, of our people, we just give 6 months' notice and we are out of it. That is totally up to us. Nobody can force us to stay in this agreement unless it is to our betterment to be there, and we decide ourselves whether to stay in it.

What could be better, if you go out to buy an automobile and somebody says, "Look, I am going to let you try it out and you can buy this automobile, but look, you can get out of the deal. Just give me a little notice and you can get out of the deal." My goodness, anybody would take that buy.

This is a really good buy for us, because we can get out of it if it is not good for us.

Mr. DREIER. Let me just take 1 second, and I am happy to further yield to my friend. One of the things that has concerned me greatly is that there are more than a few Members of this House who like to engage in Japan bashing. I am not one of them. I happen to believe we should bash countries that do not have free markets, that do not have political pluralism, that have repressive human rights violations. Those are the countries we should be criticizing. We should not be criticizing countries that have free markets and political pluralism and enhanced human rights and all.

It seems to me that as we look at the history of this, if we take the Second World War and realize what has taken place since that time, we often hear people say, "Who actually won the war? Look at how well the Japanese have done over us, and we actually won the war." What really has happened is, the people in this House who regularly engage in Japan bashing bash them for one very simple and basic reason: The Japanese will not allow us to gain access to their markets.

What has happened is, we constantly see that line coming forth here in the well of this House on a regular basis. We allow Japan to develop, to grow economically to an economic super power past the Second World War, and we allowed and encouraged that development without insisting that they break down their barriers.

What has happened with Mexico? We see Mexico's economy moving, emerging, the 13th largest economy on the face of the Earth, our second largest trading partner.

What is it that we are doing? We are seeing the Mexican Government and business leaders there voluntarily taking down a tax, a tariff, a barrier which is two and one-half times greater than the barrier that we have, enhancing the opportunity for us to get into their market. The reason we criticized Japan is that they will not allow us access to their markets. The framework agreements which have been put together between the Clinton administration and the Japanese Government are a good first step, but the barriers are still there. There are tariff and nontariff barriers. The Mexican people desperately want United States manufactured goods.

I talked about my experience Sunday morning going to the largest Wal-Mart store in the world. In that store 55 percent of the products there are made in the United States. Consumers there came up to me and said, "Please get us more U.S.-manufactured goods." As we looked around and saw items there from Taiwan, Singapore, China, and Japan, we had to remember that the barrier that exists today for us comes down, but that barrier stays up for those goods coming from other parts of the world, enhancing the opportunity to see that 55 percent of United States goods in the Wal-Mart and other department stores there in Mexico, see that figure go up, and even more United States-manufactured goods arrive.

Mr. ROHRABACHER. If the gentleman will continue to yield, I have a few more observations. What the gentleman's observation was about the Japanese, I think it is significant. There is something there about the difference between our relationship with Japan and our relationship with Mexico.

I come from California, and we Californians, of course all of us are from the Southwest, and there is a special relationship between Mexico and the United States. We feel that, because we know that our part of the United States used to be part of Mexico. We have so many citizens who are of Mexican descent. They are such an important part of our society, and we are proud of our heritage. Mexicans, they do not want to be just our neighbors, they want to be our friends. They literally want to be our friends.

Perhaps the Japanese, when we are talking about trading agreements with the Japanese, yes, they believe in equality, in trying to have some mutual benefit, but it is not done in the same kind of spirit of friendship and understanding. The Mexicans understand well that they will always be the neighbors of the United States of America.

I think it is about time, when we look at this debate, that we keep that in mind. No matter what happens, they are always going to be our neighbors. They are always going to be next door. Whether or not they are going to be friends, whether or not the type of friendship that we have is going to be something that we can be proud of, and whether we can march together into the future, that is what we are going to make of that neighborliness.

They are always going to be there. This is perhaps something that I tried to tell the people in this Hall, because I am very aware of that. They take all the good things that are happening in Mexico for granted right now. If this treaty goes down, this is the first administration that I have seen in Mexico in my lifetime where we did not have a government being run by someone who is viciously anti-American, because they would play on the fears, just like some of our people here are playing on our fears of potential change with Mexico, they played on the fears of their people. They covered up their own corruption and incompetence by trying to stir up fear and hatred of the United States of America.

This group that is in there now, President Salinas, who is such an honorable man, who has done so much to reform that country——

Mr. KOLBE. And a real supply sider.

Mr. ROHRABACHER. And a real supply sider, who is proving it, by the way, by cutting his taxes and balancing the budget at the same time, but this man, he will not be in power. His group that is trying to reform Mexico, if we slap them in the face, we are slapping the people of Mexico in the face. We are slapping in the face people who want to be our friends and are reaching out, and what would that do, if you slapped your neighbor in the face? What kind of relationships would you have, no matter what you do from that moment on? They would remember that for the rest of their lives.

We have a chance now to chart a course, a course of friendship that will last our entire lives and the lives of our children, and benefit children on both sides of the border.

However, if instead of us reaching out and grabbing that hand in friendship and grasping that hand in a clasp and saying, "We are your neighbors, we are your friends, we mean to go through all of this together," if we instead turned it into a fist or turned the back of our hand into the face of our neighbors, there will be a price to pay. People who hate the United States will come back into power. Chaos could reign. People who do not believe in democracy, do not believe in our ideals, could come back into power.

□ 2010

The immigration problem we face now in California and in the southwest would be overwhelming. And that is the worst case scenario. Another scenario is Mexico could turn to Japan and some of our competitors while our economy went down. Our competitors like the Japanese, who are not our friends but our trading partners, would prosper and our people would lose jobs.

I am so committed to this, and I want to thank both of you. I have not provided leadership on this. I have been a part of the battle. But you two have been providing the leadership in this fight that I believe will chart the future of our country, and the people who live in my district, my congressional district, they will have jobs, and their children will be able to have jobs, and be able to own homes, and our standard of living will improve because of the decision we make today, and because you fellows have provided such incredible leadership to give us a fighting chance.

Mr. DREIER. I thank my friend for his very kind remarks. But I should say that in the area of leadership my friend has been working diligently to encourage many of our colleagues to join in support of this effort. And it cannot be done alone. When you are dealing with 435 senior class presidents, you have little choice other than to work diligently and to reason with them and to talk about the necessity to bring this about. And my friend has been a leader in this effort.

Mr. ROHRABACHER. As they say in Mexico, I say to you both tonight, el gusto es meo. The pleasure is mine.

Mr. DREIER. And I thank my friend.

Mr. KOLBE. If the gentleman will yield on that point just a moment, I would certainly agree with my friend from California that the gentleman from Orange County has been a real leader. Every day he comes up to me and says give me more assignments, more people that we can go and talk to, and who else can we talk to. And we really appreciate what the gentleman has been doing.

Mr. DREIER. And he has been collecting names from both my friend from Tucson and me, so he has been working double in this effort.

Tomorrow is Veterans Day, and many of us are going to be in our States celebrating, marking Veterans Day celebrations, and when we think about the fact that there are people throughout the history of this country who have fought, given their lives, their fortunes, their sacred honor to ensure that this country will succeed, you know it is amazing having made the sacrifice that they have, and none has lost his sacred honor, but many have lost their fortunes, their lives for this great experiment known as the United States of America, and as we mark Veterans Day tomorrow it seems to me that we really are a turning point. A week from today we will cast what I know my friend and I believe is the most important vote of what will be the last decade of the millenium, and as we prepare to head into the 21st century, the sacrifice that so many Americans have given for the cause of

freedom, democratic expansion, free markets, political pluralism, self-determination and all of the things that were used as a basis for the establishment of the United States of America will be determined. Why? Because one week from today when we face that vote it will probably be around this time, some time in the early evening, I would suspect next Wednesday. We will be making the determination as to whether or not those veterans who we honor tomorrow on Veterans Day will have struggled in vain for the cause of freedom, or whether that cause will continue to proceed.

I am happy to yield to my friend from Tucson.

Mr. KOLBE. I appreciate the comments the gentleman just made, because I think you have brought us back here as we come to the conclusion of this discussion tonight as to what the real issue is here. And that is will we act in the interest of America, will we act in the interest of what is good for the world and for our national interest. And I believe that Members of this body will do that, because they are good, and they are honorable men and women, and they want to do what is right for America.

I like to think that sometimes the reward for doing the right thing is the reward, the doing of the right thing itself, and the reward will be found in doing that. And I can think back to a couple of very tough votes that I have cast, a couple of them where I have gone against my President, or gone against the overwhelming majority of my caucus because I believed, my conscience told me it was the right thing to do. And I worried politically at the time that I cast that vote whether I would suffer from that, what kind of consequences would flow from going against the President or going against my caucus. But I have found that by and large the fallout from that has not been great, because when you do the right thing, and what people know you believe to be the right thing, and not because you are doing it because you think it is the politically expedient thing to do for the moment, they will trust your judgment on that. And I believe that the American people will trust the judgment of those of us here in this body as we make this historic decision, because they know that the decision that we will make will be one that is for the interest of the country.

I can only believe that the interests of this country are in expanding our markets, in expanding our opportunities to export, in expanding the opportunities for jobs here in America as we produce goods that can be sold in other countries.

As I said at the beginning of my remarks, now almost 2 hours ago, we live in a world that is very different from the world that most of us were born into at the end of the war or sometime around that time. We live in a world in which the United States must truly compete for its place in the world, where we must earn our way by being a better producer, and American manufacturers, American workers are better producers. We have won that struggle. We have won it not without a lot of pain, and not without a lot of difficulty. But the fact of the matter is today when you look at the other countries in the world, when you look at Germany, and when you look at Japan, the United States is in a better position today than any of those countries, because we have gone through the restructuring, we have made the decisions about investment, we have made the decisions to change the way we do business in this country, and our businesses are more competitive than ever.

We have the ability today to compete in industry after industry, and our products are better. Look at our automobile industry, which only a few years ago was being derided as being bad producers, as being high-cost and low-quality producers. Today, American cars are the envy of people all over the world, and our export market has grown from a tiny amount to over half a million. That is double in the last 3 years in the U.S. export market in automobiles, and that is because of our price, and that is because of our quality.

I know that Americans have confidence in the future of this country. They do not want our colleagues, they do not want the Members of this Congress to say we do not believe in America, we do not believe that Americans can compete in this world. We look forward to the future, and I know my friend from California does. And he has been a leader in making that happen.

We look forward to the future, and we know that Americans can compete. I want to thank the gentleman for participating in this discussion tonight. I think it has been a very useful discussion.

Mr. DREIER. Madam Speaker, I thank my friend for his very helpful contribution and his typical eloquence. I will now place him, having listened to that speech that he just delivered in the aye column. He will be voting I suspect in favor of the North American Free-Trade Agreement. As votes are being counted, I think it is going to be a very fascinating week. Wednesday it really started with the debate that took place last night, and we will see a wide range of discussions that take place here on the floor of the Congress, in the newspapers, on television, and radio over the next week. And I am convinced that a week from tonight we will have what will be a narrow victory, but it will be a victory for the cause of freedom, and the cause of breaking down barriers and expanding opportunities for Americans.

Mr. KOLBE. If the gentleman will yield, something you just said made me think of something as we talk about going into this final week. When we finish this discussion here tonight, we leave for 4 days. Tomorrow, as you say, is Veterans Day, and Members will be home over the next 4 days.

This is a wonderful opportunity for Americans to make their views known to our colleagues, to let them know how they feel about American opportunities, how they feel about America's role in the world, and to let their representatives know whether they are for or against the North American Free-Trade Agreement, to let their representatives know their views on this.

□ 2020

Our colleagues have gone home, and I know many of them expect to hear from their constituents, from the people that they represent, and I hope those who might be listening to this will feel a reason to want to call their Representative and let them know how they feel about this issue.

Mr. DREIER. My friend is absolutely right. I assume the gentleman is going to be in Arizona tomorrow as I will be in California tomorrow, and we will be hearing from our constituents as we have on this issue for a long period of time. But I am convinced that with strong support, people like the gentleman from Tucson and others who have been working diligently on this, that the American people will score a great victory for the United States of America 1 week from today.

H.R. 3464, THE ARSON DETERRENCE AND WILDFIRE CONTAINMENT ACT

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

Mr. DREIER. I would like to take just 1 minute to talk about an issue of great concern to my State of California. We all saw the tremendous fires that took place in southern California a couple of weeks ago and have still been burning.

Fortunately, we only lost three lives, but thousands and thousands of acres were burned, and many homes.

I happen to represent an area that was particularly hard hit, the hills in Pasadena, Kinoloa Mesa, Sierra Madre Villa, Pasadena Glen, we lost over 100 homes. It has been a great tragedy.

So Monday evening I introduced legislation, H.R. 3464, which is designed to get at the root of this problem. There have been some tremendous heroes in this struggle against the fires in southern California. And the discussions that I and the members of my staff have had with literally dozens of people in the U.S. Forest Service, in law enforcement, the fire fighters, a wide range of victims, we have worked, the people in our office, day and night to

put together H.R. 3464. This legislation would enact strong new penalties on arsonists, including punishment for those who allow fires to start through their reckless actions.

The act also would improve our ability to fight and contain fires in the future. It modernizes our airborne firefighting units, converts more military planes toward private fire fighting contracting and improves fire fighting response time. It also studies ways to increase our fire fighting response time. It also studies ways to increase our fire fighting infrastructure and eliminates legal impediments which prevent people from clearing out flammable dry brush and weeds on their property. Specifically, that was the Endangered Species Act, which I believe needs to be addressed.

We cannot afford another destructive fire like those we have suffered in California. I urge my colleagues from California in cosponsoring H.R. 3464.

CONFERENCE REPORT ON H.R. 2401

Mr. DELLUMS submitted the following conference report and statement on the bill (H.R. 2401), 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

CONFERENCE REPORT (H. REPT. 103-357)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2401), 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

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—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.
Sec. 108. National Shipbuilding Initiative.
Sec. 109. Denial of multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.
Sec. 112. Light utility helicopter modernization.
Sec. 113. Nuclear, biological, and chemical protective masks.
Sec. 114. Chemical agent monitoring program.
Sec. 115. Close Combat Tactical Trainer Quickstart program.

Subtitle C—Navy Programs

Sec. 121. Seawolf attack submarine program.
Sec. 122. Trident II (D-5) missile procurement.
Sec. 123. Study of Trident missile submarine program.
Sec. 124. MK-48 ADCAP torpedo program.
Sec. 125. SSN acoustics master plan.
Sec. 126. Long-term lease or charter authority for certain double-hull tankers and oceanographic vessels.
Sec. 127. Long-term lease or charter authority for certain Roll-On/Roll-Off vessels.
Sec. 128. F-14 aircraft upgrade program.

Subtitle D—Air Force Programs

Sec. 131. B-2 bomber aircraft program.
Sec. 132. B-1B bomber aircraft program.
Sec. 133. Full and prompt access by Comptroller General to information on heavy bomber programs.
Sec. 134. C-17 aircraft program program progress payments and reports.
Sec. 135. Live-fire survivability testing of the C-17 aircraft.
Sec. 136. Intertheater airlift program.
Sec. 137. Use of F-16 aircraft advance procurement funds for program termination costs.
Sec. 138. Tactical signals intelligence aircraft.
Sec. 139. C-135 aircraft program.

Subtitle E—Other Matters

Sec. 151. ALQ-135 jammer device.
Sec. 152. Global Positioning System.
Sec. 153. Ring laser gyro navigation systems.
Sec. 154. Operational support aircraft.
Sec. 155. Administration of chemical demilitarization program.
Sec. 156. Chemical munitions disposal facilities, Tooele Army Depot, Utah.
Sec. 157. Authority to convey Los Alamos dry dock.
Sec. 158. Sales authority of certain working-capital funded industrial facilities of the Army.
Sec. 159. Space-based missile warning and surveillance programs.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Strategic Environmental Research and Development Program.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Kinetic Energy Antisatellite Program.
Sec. 212. B-1B bomber program.
Sec. 213. Space launch modernization plan.
Sec. 214. Medical countermeasures against biowarfare threats.
Sec. 215. Federally funded research and development centers.
Sec. 216. Demonstration program for ballistic missile post-launch destruct mechanism.
Sec. 217. High Performance Computing and Communication Initiative.
Sec. 218. Superconducting Magnetic Energy Storage (SMES) program.
Sec. 219. Advanced Self Protection Jammer (ASPJ) Program.
Sec. 220. Electronic combat systems testing.
Sec. 221. Limitation on flight tests of certain missiles.
Sec. 222. Joint Advanced Rocket System.
Sec. 223. Standoff Air-to-Surface munitions technology demonstration.
Sec. 224. Standard extremely high frequency waveform.
Sec. 225. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.

Subtitle C—Missile Defense Programs

Sec. 231. Funding for ballistic missile defense programs for fiscal year 1994.
Sec. 232. Revisions to Missile Defense Act of 1991.
Sec. 233. Patriot Advanced Capability-3 theater missile defense system.
Sec. 234. Compliance of ballistic missile defense systems and components with ABM Treaty.
Sec. 235. Theater missile defense master plan.
Sec. 236. Limited Defense System development plan.
Sec. 237. Theater and Limited Defense System testing.
Sec. 238. Arrow Tactical Anti-Missile program.
Sec. 239. Report on Arrow Tactical Anti-Missile program.
Sec. 240. Technical amendments to annual report requirement to reflect creation of Ballistic Missile Defense Organization.
Sec. 241. Clementine satellite program.
Sec. 242. Cooperation of United States allies on development of tactical and theater missile defenses.
Sec. 243. Transfer of follow-on technology programs.

Subtitle D—Women's Health Research

Sec. 251. Defense Women's Health Research Center.
Sec. 252. Inclusion of women and minorities in clinical research projects.

Subtitle E—Other Matters

Sec. 261. Nuclear weapons effects testing by Department of Defense.

Sec. 262. One-year delay in transfer of management responsibility for Navy mine countermeasures program to the Director, Defense Research and Engineering.
Sec. 263. Termination, reestablishment, and reconstitution of an Advisory Council on Semiconductor Technology.
Sec. 264. Navy large cavitation channel, Memphis, Tennessee.
Sec. 265. Strategic Environmental Research Council.
Sec. 266. Repeal of requirement for study by Office of Technology Assessment.
Sec. 267. Comprehensive independent study of national cryptography policy.
Sec. 268. Review of assignment of defense research and development categories.
Sec. 269. Authorized use for facility constructed with prior defense grant funds.
Sec. 270. Grant to support research on exposure to hazardous agents and materials by military personnel who served in the Persian Gulf War.
Sec. 271. Research on exposure to depleted uranium by military personnel who served in the Persian Gulf War.
Sec. 272. Sense of Congress on metalcasting and ceramic semiconductor package industries.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. National Security Education Trust Fund obligations.
Sec. 305. Transfer from National Defense Stockpile Fund.
Sec. 306. Funds for clearing landmines.

Subtitle B—Limitations

Sec. 311. Prohibition on operation of Naval Air Station, Bermuda.
Sec. 312. Limitation on the use of appropriated funds for Department of Defense golf courses.
Sec. 313. Prohibition on the use of certain cost comparison studies.
Sec. 314. Limitation on contracts with certain ship repair companies for ship repair.
Sec. 315. Requirement of performance in the United States of certain reflagging or repair work.
Sec. 316. Prohibition on joint civil aviation use of Selfridge Air National Guard Base, Michigan.
Sec. 317. Location of certain prepositioning facilities.

Subtitle C—Defense Business Operations Fund

Sec. 331. Extension of authority for use of the Defense Business Operations Fund.
Sec. 332. Implementation of the Defense Business Operations Fund.
Sec. 333. Charges for goods and services provided through the Defense Business Operations Fund.
Sec. 334. Limitation on obligations against the Defense Business Operations Fund.

Subtitle D—Depot-Level Activities

Sec. 341. Department of Defense depot task force.
Sec. 342. Limitation on consolidation of management of depot-level maintenance workload.
Sec. 343. Continuation of certain percentage limitations on the performance of depot-level maintenance.
Sec. 344. Sense of Congress on the performance of certain depot-level work by foreign contractors.
Sec. 345. Sense of Congress on the role of depot-level activities of the Department of Defense.
Sec. 346. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense.
Sec. 347. Authority to waive certain claims of the United States.

Subtitle E—Commissaries and Military Exchanges

Sec. 351. Prohibition on operation of commissary stores by active duty members of the Armed Forces.
Sec. 352. Modernization of automated data processing capability of the Defense Commissary Agency.
Sec. 353. Operation of Stars and Stripes bookstores overseas by the military exchanges.
Sec. 354. Availability of funds for relocation expenses of the Navy Exchange Service Command.

Subtitle F—Other Matters

Sec. 361. Emergency and extraordinary expense authority for the Inspector General of the Department of Defense.
Sec. 362. Authority for civilian employees of the Army to act on reports of survey.
Sec. 363. Extension of guidelines for reductions in civilian positions.
Sec. 364. Authority to extend mailing privileges.
Sec. 365. Extension and modification of pilot program to use National Guard personnel in medically underserved communities.
Sec. 366. Amendments to the Armed Forces Retirement Home Act of 1991.
Sec. 367. Modification of restriction on repair of certain vessels the homeport of which is planned for reassignment.
Sec. 368. Escorts and flags for civilian employees who die while serving in an armed conflict with the Armed Forces.
Sec. 369. Maintenance and repair of Pacific battle monuments.
Sec. 370. One-year extension of certain programs.
Sec. 371. Ships' stores.
Sec. 372. Promotion of civilian marksmanship.
Sec. 373. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 374. Budget information on Department of Defense recruiting expenditures.
Sec. 375. Revision of authorities on National Security Education Trust Fund.
Sec. 376. Annual assessment of force readiness.
Sec. 377. Reports on transfers of certain funds.
Sec. 378. Report on replacement sites for Army Reserve Facility in Marcus Hook, Pennsylvania.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variation of end strength limitations for Marine Corps majors and lieutenant colonels.
Sec. 403. Army end strength.
Sec. 404. Report on end strengths necessary to meet levels assumed in Bottom Up Review.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves.
Sec. 414. Force structure allowance for Army National Guard.
Sec. 415. Personnel level for Navy Craft of Opportunity (COOP) Program.

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—Active Components

Sec. 501. Years of service for eligibility for separation pay for regular officers involuntarily discharged.
Sec. 502. Expansion of eligibility for Voluntary Separation Incentive and Special Separation Benefits programs.
Sec. 503. Members eligibile for involuntary separation benefits.
Sec. 504. Temporary authority for involuntary separation of certain regular warrant officers.
Sec. 505. Determination of service for warrant officer retirement sanctuary.
Sec. 506. Officers ineligible for consideration by early retirement boards.
Sec. 507. Remedy for ineffective counseling of officers discharged following selection by early discharge boards.
Sec. 508. Two-year extension of authority for temporary promotions of certain Navy lieutenants.
Sec. 509. Award of constructive service credit for advanced education in a health profession upon original appointment as an officer.
Sec. 510. Original appointment as regular officers of certain reserve officers in health professions.

Subtitle B—Reserve Components

Sec. 511. Exception for health care providers to requirement for 12 weeks of basic training before assignment outside United States.
Sec. 512. Number of full-time reserve personnel who may be assigned to ROTC duty.
Sec. 513. Repeal of mandated reduction in Army Reserve component full-time manning end strength.
Sec. 514. Two-year extension of certain reserve officer management authorities.
Sec. 515. Active component support for reserve training.

Sec. 516. Test program for Reserve Combat Maneuver Unit integration.
Sec. 517. Revisions to pilot program for active component support of the reserves.
Sec. 518. Educational assistance for graduate programs for members of the Selected Reserve.
Sec. 519. Frequency of physical examinations of members of the Ready Reserve.
Sec. 520. Revision of certain deadlines under Army National Guard Combat Readiness Reform Act.
Sec. 521. Annual report on implementation of Army National Guard Combat Readiness Reform Act.
Sec. 522. FFRDC study of State and Federal missions of the National Guard.
Sec. 523. Consistency of treatment of National Guard technicians and other members of the National Guard.
Sec. 524. National Guard management initiatives.

Subtitle C—Service Academies

Sec. 531. Congressional nominations.
Sec. 532. Technical amendment related to change in nature of commission of service academy graduates.
Sec. 533. Management of civilian faculty at Military and Air Force Academies.
Sec. 534. Evaluation of requirement that officers and civilian faculty members report violations of Naval Academy regulations.
Sec. 535. Prohibition of transfer of Naval Academy Preparatory School.
Sec. 536. Test program to evaluate use of private preparatory schools for service academy preparatory school mission.

Subtitle D—Women in the Service

Sec. 541. Repeal of the statutory restriction on the assignment of women in the Navy and Marine Corps.
Sec. 542. Notice to Congress of proposed changes in combat assignments to which female members may be assigned.
Sec. 543. Gender-neutral occupational performance standards.

Subtitle E—Victims' Rights and Family Advocacy

Sec. 551. Responsibilities of military law enforcement officials at scenes of domestic violence.
Sec. 552. Improved procedures for notification of victims and witnesses of status of prisoners in military correctional facilities.
Sec. 553. Study of stalking by persons subject to UCMJ.
Sec. 554. Transitional compensation for dependents of members of the Armed Forces discharged for dependent abuse.
Sec. 555. Clarification of eligibility for benefits for dependent victims of abuse by members of the Armed Forces pending loss of retired pay.

Subtitle F—Force Reduction Transition

Sec. 561. Extension through fiscal year 1999 of certain force draw-down transition authorities relating to personnel management and benefits.
Sec. 562. Retention in an active status of enlisted Reserves with between 18 and 20 years of service.
Sec. 563. Authority to order early Reserve retirees to active duty.
Sec. 564. Applicability to Coast Guard Reserve of certain reserve components transition initiatives.

Subtitle G—Other Matters

Sec. 571. Policy concerning homosexuality in the Armed Forces.
Sec. 572. Change in timing of required drug and alcohol testing and evaluation of applicants for appointment as cadet or midshipman and for ROTC graduates.
Sec. 573. Reimbursement requirements for advanced education assistance.
Sec. 574. Recognition by States of military powers of attorney.
Sec. 575. Foreign language proficiency test program.
Sec. 576. Clarification of punitive UCMJ article regarding drunken driving.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1994.
Sec. 602. Continuation of rate of basic pay applicable to certain members with over 24 years of service.
Sec. 603. Pay for students at service academy preparatory schools.
Sec. 604. Variable housing allowance for certain members who are required to pay child support and who are assigned to sea duty.
Sec. 605. Evacuation advance pay.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of authority for bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 612. Extension and modification of certain bonuses for reserve forces.
Sec. 613. Extension of authority relating to payment of other bonuses and special pays.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Reimbursement of temporary lodging expenses.
Sec. 622. Payment of losses incurred or collection of gains realized due to fluctuations in foreign currency in connection with housing members in private housing abroad.

Subtitle D—Other Matters

Sec. 631. Revision of definition of dependents for purposes of allowances.
Sec. 632. Clarification of eligibility for tuition assistance.
Sec. 633. Sense of Congress regarding the provision of excess leave and permissive temporary duty for members from outside the continental United States.
Sec. 634. Special pay for certain disabled members.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Primary and preventive health care services for women.
Sec. 702. Revision of definition of dependents for purposes of health benefits.
Sec. 703. Authorization to expand enrollment in the dependents' dental program to certain members returning from overseas assignments.
Sec. 704. Authorization to apply section 1079 payment rules for the spouse and children of a member who dies while on active duty.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

Sec. 711. Codification of CHAMPUS Peer Review Organization program procedures.
Sec. 712. Increased flexibility for personal service contracts in military medical treatment facilities.
Sec. 713. Expansion of the program for the collection of health care costs from third-party payers.
Sec. 714. Alternative resource allocation method for medical facilities of the uniformed services.
Sec. 715. Federal preemption regarding contracts for medical and dental care.
Sec. 716. Specialized treatment facility program authority and issuance of nonavailability of health care statements.
Sec. 717. Delay of termination authority regarding status of certain facilities as Uniformed Services Treatment Facilities.
Sec. 718. Managed-care delivery and reimbursement model for the Uniformed Services Treatment Facilities.
Sec. 719. Flexible deadline for continuation of CHAMPUS reform initiative in Hawaii and California.
Sec. 720. Clarification of conditions on expansion of CHAMPUS reform initiative to other locations.
Sec. 721. Report regarding demonstration programs for the sale of pharmaceuticals.

Subtitle C—Other Matters

Sec. 731. Use of health maintenance organization model as option for military health care.
Sec. 732. Clarification of authority for graduate student program of the Uniformed Services University of the Health Sciences.
Sec. 733. Authority for the Armed Forces Institute of Pathology to obtain additional distinguished pathologists and scientists.
Sec. 734. Authorization for automated medical record capability to be included in medical information system.
Sec. 735. Report on the provision of primary and preventive health care services for women.
Sec. 736. Independent study of conduct of medical study by Arctic Aeromedical Laboratory, Ladd Air Force Base, Alaska.
Sec. 737. Availability of report regarding the CHAMPUS chiropractic demonstration.
Sec. 738. Sense of Congress regarding the provision of adequate medical care to covered beneficiaries under the military medical system.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Defense Technology and Industrial Base, Reinvestment, and Conversion

Sec. 801. Industrial Preparedness Manufacturing Technology Program.
Sec. 802. University Research Initiative Support Program.
Sec. 803. Operating Committee of the Critical Technologies Institute.

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—Provisions to Revise and Consolidate Certain Defense Acquisition Laws

Sec. 821. Repeal and amendment of obsolete, redundant, or otherwise unnecessary laws applicable to Department of Defense generally.
Sec. 822. Extension to Department of Defense generally of certain acquisition laws applicable to the Army and Air Force.
Sec. 823. Repeal of certain acquisition laws applicable to the Army and Air Force.
Sec. 824. Consolidation, repeal, and amendment of certain acquisition laws applicable to the Navy.
Sec. 825. Additional authority to contract for fuel storage and management.
Sec. 826. Additional authority relating to the acquisition of petroleum and natural gas.
Sec. 827. Amendment of research authorities.
Sec. 828. Technical and clerical amendments relating to acquisition laws.

Subtitle D—Defense Acquisition Pilot Programs

Sec. 831. Reference to Defense Acquisition Pilot Program.
Sec. 832. Defense Acquisition Pilot Program amendments.
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.

Subtitle E—Other Matters

Sec. 841. Reimbursement of indirect costs of institutions of higher education under Department of Defense contracts.
Sec. 842. Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government.
Sec. 843. Reports by defense contractors of dealings with terrorist countries.
Sec. 844. Department of Defense purchases through other agencies.
Sec. 845. Authority of the Advanced Research Projects Agency to carry out certain prototype projects.
Sec. 846. Improvement of pricing policies for use of major range and test facility installations of the military departments.
Sec. 847. Contract bundling.
Sec. 848. Prohibition on competition between Department of Defense and small businesses for certain maintenance contracts.
Sec. 849. Buy American provisions.
Sec. 850. Clarification to Small Business Competitiveness Demonstration Program Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

Sec. 901. Enhanced position for Comptroller of Department of Defense.
Sec. 902. Additional responsibilities of the Comptroller.
Sec. 903. New position of Under Secretary of Defense for Personnel and Readiness.
Sec. 904. Redesignation of positions of Under Secretary and Deputy Under Secretary of Defense for Acquisition.
Sec. 905. Assistant Secretary of Defense for Legislative Affairs.
Sec. 906. Further conforming amendments to chapter 4 of title 10, United States Code.
Sec. 907. Director of Operational Test and Evaluation.

Subtitle B—Professional Military Education

Sec. 921. Congressional findings concerning professional military education schools.
Sec. 922. Authority for award by National Defense University of certain master of science degrees.
Sec. 923. Authority to employ civilian faculty members at George C. Marshall European Center for Security Studies.

Subtitle C—Joint Officer Personnel Policy

Sec. 931. Revision of Goldwater-Nichols requirement of service in a joint duty assignment before promotion to general or flag grade.
Sec. 932. Joint duty credit for certain duty performed during Operations Desert Shield and Desert Storm.
Sec. 933. Flexibility for required post-education joint duty assignment.

Subtitle D—Other Matters

Sec. 941. Army Reserve Command.
Sec. 942. Flexibility in administering requirement for annual four percent reduction in number of personnel assigned to headquarters and headquarters support activities.
Sec. 943. Report on Department of Defense Bottom Up Review.
Sec. 944. Repeal of termination of requirement for a Director of Expeditionary Warfare in the Office of the Chief of Naval Operations.
Sec. 945. CINC Initiative Fund.

Subtitle E—Commission on Roles and Missions of the Armed Forces

Sec. 951. Findings.
Sec. 952. Establishment of Commission.
Sec. 953. Duties of Commission.
Sec. 954. Reports.
Sec. 955. Powers.
Sec. 956. Commission procedures.
Sec. 957. Personnel matters.
Sec. 958. Miscellaneous administrative provisions.
Sec. 959. Payment of Commission expenses.
Sec. 960. Termination of the Commission.

TITLE X—ENVIRONMENTAL PROVISIONS

Sec. 1001. Annual environmental reports.
Sec. 1002. Indemnification of transferees of closing defense property for releases of petroleum and petroleum derivatives.
Sec. 1003. Shipboard plastic and solid waste control.
Sec. 1004. Extension of applicability period for reimbursement for certain liabilities arising under hazardous waste contracts.
Sec. 1005. Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense.

TITLE XI—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1101. Transfer authority.
Sec. 1102. Clarification of scope of authorizations.
Sec. 1103. Incorporation of classified annex.
Sec. 1104. Revision of date for submittal of joint report on scoring of budget outlays.
Sec. 1105. Comptroller General audits of acceptance by Department of Defense of property, services, and contributions.
Sec. 1106. Limitation on transferring defense funds to other departments and agencies.
Sec. 1107. Sense of Congress concerning defense budget process.
Sec. 1108. Funding structure for contingency operations.

Subtitle B—Fiscal Year 1993 Authorization Matters

Sec. 1111. Authority for obligation of certain unauthorized fiscal year 1993 defense appropriations.
Sec. 1112. Obligation of certain appropriations.
Sec. 1113. Supplemental authorization of appropriations for fiscal year 1993.

Subtitle C—Counter-Drug Activities

Sec. 1121. Department of Defense support for counter-drug activities of other agencies.
Sec. 1122. Requirement to establish procedures for State and local governments to buy law enforcement equipment suitable for counter-drug activities through the Department of Defense.

Subtitle D—Matters Relating to Reserve Components

Sec. 1131. Review of Air Force plans to transfer heavy bombers to reserve components units.

Subtitle E—Awards and Decorations

Sec. 1141. Award of purple heart to members killed or wounded in action by friendly fire.
Sec. 1142. Sense of Congress relating to award of the Navy Expeditionary Medal to Navy members supporting Doolittle Raid on Tokyo.
Sec. 1143. Award of gold star lapel buttons to survivors of service members killed by terrorist acts.

Subtitle F—Recordkeeping and Reporting Requirements

Sec. 1151. Termination of Department of Defense reporting requirements determined by Secretary of Defense to be unnecessary or incompatible with efficient management of the Department of Defense.
Sec. 1152. Reports relating to certain special access programs and similar programs.
Sec. 1153. Identification of service in Vietnam in the computerized index of the National Personnel Records Center.
Sec. 1154. Report on personnel requirements for control of transfer of certain weapons.
Sec. 1155. Report on food supply and distribution practices of the Department of Defense.

Subtitle G—Congressional Findings, Policies, Commendations, and Commemorations

Sec. 1161. Sense of Congress regarding justification for continuing the Extremely Low Frequency (ELF) communication system.
Sec. 1162. Sense of Congress regarding the importance of naval oceanographic survey and research in the post-cold war period.
Sec. 1163. Sense of Congress regarding United States policy on plutonium.
Sec. 1164. Sense of Senate on entry into the United States of certain former members of the Iraqi armed forces.
Sec. 1165. U.S.S. Indianapolis Memorial, Indianapolis, Indiana.

Subtitle H—Other Matters

Sec. 1171. Procedures for handling war booty.
Sec. 1172. Basing for C-130 aircraft.
Sec. 1173. Transportation of cargoes by water.
Sec. 1174. Modification of authority to conduct National Guard Civilian Youth Opportunities Program.
Sec. 1175. Effective date for changes in Servicemen's Group Life Insurance Program.
Sec. 1176. Eligibility of former prisoners of war for burial in Arlington National Cemetery.
Sec. 1177. Redesignation of Hanford Arid Lands Ecology Reserve.
Sec. 1178. Aviation Leadership Program.
Sec. 1179. Administrative improvements in the Goldwater Scholarship and Excellence in Education Program.
Sec. 1180. Transfer of obsolete destroyer tender Yosemite.
Sec. 1181. Transfer of obsolete heavy cruiser U.S.S. Salem.
Sec. 1182. Technical and clerical amendments.
Sec. 1183. Security clearances for civilian employees.
Sec. 1184. Videotaping of investigative interviews.
Sec. 1185. Investigations of deaths of members of the Armed Forces from self-inflicted causes.
Sec. 1186. Export loan guarantees.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec. 1201. Short title.
Sec. 1202. Findings on cooperative threat reduction.
Sec. 1203. Authority for programs to facilitate cooperative threat reduction.
Sec. 1204. Demilitarization Enterprise Fund.
Sec. 1205. Funding for fiscal year 1994.
Sec. 1206. Prior notice to Congress of obligation of funds.
Sec. 1207. Semiannual report.
Sec. 1208. Appropriate congressional committees defined.
Sec. 1209. Authorization for additional fiscal year 1993 assistance to the independent states of the former Soviet Union.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

Sec. 1301. Short title.
Sec. 1302. Funding of defense conversion, reinvestment, and transition assistance programs for fiscal year 1994.
Sec. 1303. Reports on defense conversion, reinvestment, and transition assistance programs.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

Sec. 1311. Funding of defense dual-use partnerships program for fiscal year 1994.
Sec. 1312. Defense technology and industrial base, reinvestment, and conversion planning.
Sec. 1313. Congressional defense policy concerning defense technology and industrial base, reinvestment, and conversion.
Sec. 1314. Expansion of businesses eligible for loan guarantees under the defense dual-use assistance extension program.
Sec. 1315. Consistency in financial commitment requirements of non-Federal Government participants in technology reinvestment projects.
Sec. 1316. Additional criteria for the selection of regional technology alliances.
Sec. 1317. Conditions on funding of defense technology reinvestment projects.

Subtitle B—Community Adjustment and Assistance Programs

Sec. 1321. Adjustment and diversification assistance for States and local governments from the Office of Economic Adjustment.
Sec. 1322. Assistance for communities adversely affected by catastrophic or multiple base closures or realignments.
Sec. 1323. Continuation of pilot project to improve economic adjustment planning.

Subtitle C—Personnel Adjustment, Education, and Training Programs

Sec. 1331. Continuation of teacher and teacher's aide placement programs.
Sec. 1332. Programs to place separated members in employment positions with law enforcement agencies and health care providers.
Sec. 1333. Grants to institutions of higher education to provide education and training in environmental restoration to dislocated defense workers and young adults.
Sec. 1334. Environmental education opportunities program.
Sec. 1335. Training and employment of Department of Defense employees to carry out environmental restoration at military installations to be closed.
Sec. 1336. Revision to improvements to employment and training assistance for dislocated workers.
Sec. 1337. Demonstration program for the training of recently discharged veterans for employment in construction and in hazardous waste remediation.
Sec. 1338. Service members occupational conversion and training.
Sec. 1339. Amendments to defense diversification program under Job Training Partnership Act.

Subtitle D—National Shipbuilding Initiative

Sec. 1351. Short title.
Sec. 1352. National Shipbuilding Initiative.
Sec. 1353. Department of Defense program management through Advanced Research Projects Agency.
Sec. 1354. Advanced Research Projects Agency functions and minimum financial commitment of non-Federal government participants.
Sec. 1355. Authority for Secretary of Transportation to make loan guarantees.
Sec. 1356. Loan guarantees for export vessels.
Sec. 1357. Loan guarantees for shipyard modernization and improvement.
Sec. 1358. Eligible shipyards.
Sec. 1359. Funding for certain loan guarantee commitments for fiscal year 1994.
Sec. 1360. Court sale to enforce preferred mortgage liens for export vessels.
Sec. 1361. Authorizations of appropriations.
Sec. 1362. Regulations.
Sec. 1363. Shipyard conversion and reuse studies.

Subtitle E—Other Matters

Sec. 1371. Encouragement of the purchase or lease of vehicles producing zero or very low exhaust emissions.
Sec. 1372. Revision to requirements for notice to contractors upon pending or actual termination of defense programs.
Sec. 1373. Regional retraining services clearinghouses.
Sec. 1374. Use of naval installations to provide employment training to nonviolent offenders in State penal systems.

TITLE XIV—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Defense Burden Sharing

Sec. 1401. Defense burdens and responsibilities.
Sec. 1402. Burden sharing contributions from designated countries and regional organizations.

Subtitle B—North Atlantic Treaty Organization

Sec. 1411. Findings, sense of Congress, and report requirement concerning North Atlantic Treaty Organization.
Sec. 1412. Modification of certain report requirements.
Sec. 1413. Permanent authority to carry out AWACS memoranda of understanding.

Subtitle C—Export of Defense Articles

Sec. 1421. Extension of authority for certain foreign governments to receive excess defense articles.
Sec. 1422. Report on effect of increased use of dual-use technologies on ability to control exports.
Sec. 1423. Extension of landmine export moratorium.

Subtitle D—Other Matters

Sec. 1431. Codification of provision relating to Overseas Workload Program.
Sec. 1432. American diplomatic facilities in Germany.
Sec. 1433. Consent of Congress to service by retired members in military forces of newly democratic nations.
Sec. 1434. Semiannual report on efforts to seek compensation from Government of Peru for death and wounding of certain United States servicemen.

TITLE XV—INTERNATIONAL PEACEKEEPING AND HUMANITARIAN ACTIVITIES

Subtitle A—Assistance Activities

Sec. 1501. General authorization of support for international peacekeeping activities.
Sec. 1502. Report on multinational peacekeeping and peace enforcement.
Sec. 1503. Military-to-military contact.
Sec. 1504. Humanitarian and civic assistance.

Subtitle B—Policies Regarding Specific Countries

Sec. 1511. Sanctions against Serbia and Montenegro.
Sec. 1512. Involvement of Armed Forces in Somalia.

TITLE XVI—ARMS CONTROL MATTERS

Subtitle A—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

Sec. 1601. Study of global proliferation of strategic and advanced conventional military weapons and related equipment and technology.
Sec. 1602. Extension of existing authorities.
Sec. 1603. Studies relating to United States counterproliferation policy.
Sec. 1604. Sense of Congress regarding United States capabilities to prevent and counter weapons proliferation.
Sec. 1605. Joint Committee for Review of Proliferation Programs of the United States.
Sec. 1606. Report on nonproliferation and counterproliferation activities and programs.
Sec. 1607. Definitions.

Subtitle B—International Nonproliferation Activities

Sec. 1611. Nuclear nonproliferation.
Sec. 1612. Condition on assistance to Russia for construction of plutonium storage facility.
Sec. 1613. North Korea and the Treaty on the Non-Proliferation of Nuclear Weapons.
Sec. 1614. Sense of Congress relating to the proliferation of space launch vehicle technologies.

TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

Sec. 1701. Conduct of the chemical and biological defense program.
Sec. 1702. Consolidation of chemical and biological defense training activities.
Sec. 1703. Annual report on chemical and biological warfare defense.
Sec. 1704. Sense of Congress concerning Federal emergency planning for response to terrorist threats.
Sec. 1705. Agreements to provide support to vaccination programs of Department of Health and Human Services.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Termination of authority to carry out certain projects.
Sec. 2106. Construction of chemical munitions disposal facilities.

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 Air Force activities from Sierra Army Depot, California, to Beale Air Force Base, California.
Sec. 2307. Combat arms training and maintenance facility relocation from Wheeler Air Force Base, Hawaii, to United States Army Schofield Barracks Open Range, Hawaii.
Sec. 2308. Authority to transfer funds as part of the improvement of Dysart Channel, Luke Air Force Base, Arizona.
Sec. 2309. Authority to transfer funds for school construction for Lackland Air Force Base, Texas.
Sec. 2310. Transfer of funds for construction of family housing, Scott Air Force Base, Illinois.
Sec. 2311. 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.
Sec. 2603. United States Army Reserve Command headquarters facility.
Sec. 2604. Limitation on total cost of construction projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 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. Military family housing leasing programs.
Sec. 2802. Sale of electricity from alternate energy and cogeneration production facilities.
Sec. 2803. Authority for military departments to participate in water conservation programs.
Sec. 2804. Clarification of energy conservation measures for the Department of Defense.
Sec. 2805. Authority to acquire existing facilities in lieu of carrying out construction authorized by law.
Sec. 2806. Clarification of participation in Department of State housing pools.
Sec. 2807. Extension of authority to lease real property for special operations activities.

Subtitle B—Land Transactions Generally

Sec. 2811. Land conveyance, Broward County, Florida.
Sec. 2812. Land conveyance, Naval Air Station Oceana, Virginia.
Sec. 2813. Land conveyance, Craney Island Fuel Depot, Naval Supply Center, Virginia.
Sec. 2814. Land conveyance, Portsmouth, Virginia.
Sec. 2815. Land conveyance, Iowa Army Ammunition Plant, Iowa.
Sec. 2816. Land conveyance, Radar Bomb Scoring Site, Conrad, Montana.
Sec. 2817. Land conveyance, Charleston, South Carolina.
Sec. 2818. Land conveyance, Fort Missoula, Montana.
Sec. 2819. Land acquisition, Navy Large Cavitation Channel, Memphis, Tennessee.
Sec. 2820. Release of reversionary interest, Old Spanish Trail Armory, Harris County, Texas.
Sec. 2821. Grant of easement, West Loch Branch, Naval Magazine Lualualei, Hawaii.
Sec. 2822. Review of proposed land exchange, Fort Sheridan, Illinois, and Arlington County, Virginia.

Subtitle C—Changes to Existing Land Transaction Authority

Sec. 2831. Modification of land conveyance, New London, Connecticut.
Sec. 2832. Modification of termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia.
Sec. 2833. Modification of lease authority, Naval Supply Center, Oakland, California.
Sec. 2834. Expansion of land transaction authority involving Hunters Point Naval Shipyard, San Francisco, California.

Subtitle D—Land Transactions Involving Utilities

Sec. 2841. Conveyance of natural gas distribution system, Fort Belvoir, Virginia.
Sec. 2842. Conveyance of water distribution system, Fort Lee, Virginia.
Sec. 2843. Conveyance of waste water treatment facility, Fort Pickett, Virginia.

Sec. 2844. Conveyance of water distribution system and reservoir, Stewart Army Subpost, New York.
Sec. 2845. Conveyance of electric power distribution system, Naval Air Station, Alameda, California.
Sec. 2846. Conveyance of electricity distribution system, Fort Dix, New Jersey.
Sec. 2847. Lease and joint use of certain real property, Marine Corps Base, Camp Pendleton, California.

Subtitle E—Other Matters

Sec. 2851. Conveyance of real property at missile sites to adjacent landowners.
Sec. 2852. Prohibition on use of funds for planning and design of 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. Allotment of space in Federal buildings to credit unions.
Sec. 2855. Flood control project for Coyote and Berryessa Creeks, California.
Sec. 2856. Restrictions on land transactions relating to the Presidio of San Francisco, California.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Subtitle A—Base Closure Community Assistance

Sec. 2901. Findings.
Sec. 2902. Prohibition on transfer of certain property located at military installations to be closed.
Sec. 2903. Authority to transfer property at closed installations to affected communities and States.
Sec. 2904. Expedited determination of transferability of excess property of installations to be closed.
Sec. 2905. Availability of property for assisting the homeless.
Sec. 2906. Authority to lease certain property at installations to be closed.
Sec. 2907. Authority to contract for certain services at installations being closed.
Sec. 2908. Authority to transfer property at military installations to be closed to persons paying the cost of environmental restoration activities on the property.
Sec. 2909. Sense of Congress on availability of surplus military equipment.
Sec. 2910. Identification of uncontaminated property at installations to be closed.
Sec. 2911. Compliance with certain environmental requirements relating to closure of installations.
Sec. 2912. Preference for local and small businesses.
Sec. 2913. Consideration of applications of affected States and communities for assistance.
Sec. 2914. Clarification of utilization of funds for community economic adjustment assistance.
Sec. 2915. Transition coordinators for assistance to communities affected by the closure of installations.
Sec. 2916. Sense of Congress on seminars on reuse or redevelopment of property at installations to be closed.
Sec. 2917. Feasibility study on assisting local communities affected by the closure or realignment of military installations.
Sec. 2918. Definitions.

Subtitle B—Other Matters

Sec. 2921. Base closure account management flexibility.
Sec. 2922. Limitation on expenditure of funds from the Defense Base Closure Account 1990 for military construction in support of transfers of functions.
Sec. 2923. Modification of requirement for reports on activities under the Defense Base Closure Account 1990.
Sec. 2924. Residual value of overseas installations being closed.
Sec. 2925. Sense of Congress on development of base closure criteria.
Sec. 2926. Information relating to recommendations for the closure or realignment of military installations.
Sec. 2927. Public purpose extensions.
Sec. 2928. Expansion of conveyance authority regarding financial facilities on closed military installations to include all depository institutions.
Sec. 2929. Electric power allocation and economic development at certain military installations to be closed in the State of California.
Sec. 2930. Testimony before Defense Base Closure and Realignment Commission.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Nuclear materials support and other defense programs.
Sec. 3104. Defense nuclear waste disposal.

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—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Defense inertial confinement fusion program.
Sec. 3132. Payment of penalty assessed against Hanford project.
Sec. 3133. Water management programs.
Sec. 3134. Technology transfer.
Sec. 3135. Technology transfer and economic development activities for communities surrounding Savannah River Site.
Sec. 3136. Prohibition on research and development of low-yield nuclear weapons.
Sec. 3137. Testing of nuclear weapons.
Sec. 3138. Stockpile stewardship program.
Sec. 3139. National security programs.
Sec. 3140. Expended core facility dry cell.
Sec. 3141. Scholarship and fellowship program for environmental restoration and waste management.
Sec. 3142. Hazardous materials management and hazardous materials emergency response training program.
Sec. 3143. Worker health and protection.
Sec. 3144. Verification and control technology.
Sec. 3145. Tritium production requirements.

Subtitle D—Other Matters

Sec. 3151. Limitations on the receipt and storage of spent nuclear fuel from foreign research reactors.
Sec. 3152. Extension of review of waste isolation pilot plant in New Mexico.
Sec. 3153. Baseline environmental management reports.
Sec. 3154. Lease of property at Department of Energy weapon production facilities.
Sec. 3155. Authority to transfer certain Department of Energy property.
Sec. 3156. Improved congressional oversight of Department of Energy special access programs.
Sec. 3157. Reauthorization and expansion of authority to loan personnel and facilities.
Sec. 3158. Modification of payment provision.
Sec. 3159. Contract goal for small disadvantaged businesses and certain institutions of higher education.
Sec. 3160. Amendments to Stevenson-Wydler Technology Innovation Act of 1980.
Sec. 3161. Conflict of interest provisions for Department of Energy employees.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.
Sec. 3202. Requirement for transmittal to Congress of certain information prepared by Defense Nuclear Facilities Safety Board.

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.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Revision of authority to dispose of certain materials authorized for disposal in fiscal year 1993.
Sec. 3304. Conversion of chromium ore to high purity chromium metal.

Subtitle B—Programmatic Changes

Sec. 3311. Stockpiling principles.
Sec. 3312. Modification of notice and wait requirements for deviations from annual materials plan.
Sec. 3313. Additional authorized uses of the National Defense Stockpile Transaction Fund.
Sec. 3314. National emergency planning assumptions for biennial report on stockpile requirements.

TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.
Sec. 3402. Modernization of the civil defense system.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.

Sec. 3502. Authorization of expenditures.
Sec. 3503. Expenditures in accordance with other laws.
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—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,338,351,000.

(2) For missiles, $1,081,515,000.

(3) For weapons and tracked combat vehicles, $886,717,000.

(4) For ammunition, $619,668,000.

(5) For other procurement, $2,992,077,000.

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, $5,793,157,000.

(2) For weapons, including missiles and torpedoes, $2,986,965,000.

(3) For shipbuilding and conversion, $4,265,102,000.

(4) For other procurement, $2,953,605,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $483,621,000.

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, $7,013,938,000.

(2) For missiles, $3,582,743,000.

(3) For other procurement, $7,524,608,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for defense-wide procurement in the amount of $3,050,748,000.

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 $800,000.

SEC. 106. RESERVE COMPONENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—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, $210,000,000.

(2) For the Air National Guard, $260,000,000.

(3) For the Army Reserve, $50,000,000.

(4) For the Naval Reserve, $60,000,000.

(5) For the Air Force Reserve, $250,000,000.

(6) For the Marine Corps Reserve, $35,000,000.

(7) For reserve components simulation equipment, $75,000,000.

(8) For National Guard aircraft replacement and modernization, $50,000,000.

(b) MULTIPLE-LAUNCH ROCKET SYSTEM.—Of the total number of Multiple-Launch Rocket System units acquired with funds appropriated pursuant to the authorization of appropriations in section 101 for the Army, the Secretary of the Army shall ensure that one battalion set shall be authorized for and made available to the Army National Guard.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1994 the amount of $379,561,000 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.

(b) LIMITATION.—Of the funds specified in subsection (a)—

(1) $280,361,000 is for operations and maintenance;

(2) $72,600,000 is for procurement; and

(3) $26,600,000 is for research and development efforts in support of the nonstockpile chemical weapons program.

(c) CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.—Subsection (c)(3) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended by striking out "and approving" in the third sentence and inserting in lieu thereof ", approving, and overseeing".

SEC. 108. NATIONAL SHIPBUILDING INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the National Shipbuilding Initiative under subtitle D of title XIII in the amount of $147,000,000.

(b) AVAILABILITY FOR OBLIGATION.—Funds appropriated pursuant to subsection (a) shall not be available for obligation for loan guarantees after September 30, 1997.

SEC. 109. DENIAL OF MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Navy may not enter into a multiyear procurement contract under section 2306(h) of title 10, United States Code, for the F/A-18C/D aircraft program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

(a) AH-64 APACHE AIRCRAFT.—The prohibition in section 132(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1382) does not apply to the obligation of funds in amounts not to exceed $150,000,000 for the procurement of not more than 10 AH-64 aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

(b) OH-58D AHIP AIRCRAFT.—The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $112,500,000 for the procurement of not more than 18 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

SEC. 112. LIGHT UTILITY HELICOPTER MODERNIZATION.

(a) PROGRAM STUDY.—The Secretary of the Army, in coordination with the Chief of the National Guard Bureau, shall conduct a thorough study of the requirements of the Army for light utility helicopter modernization. The study shall include considerations of life-cycle costs, capability requirements, and, if acquisition of new light helicopters is determined to be needed, an appropriate acquisition strategy, including full and open competition.

(b) REQUIREMENT FOR USE OF COMPETITIVE PROCEDURES.—Funds may not be obligated for a light utility helicopter modernization program for a contractor selected through the use of acquisition procedures other than competitive procedures.

(c) LIMITATION ON OBLIGATIONS.—No funds may be obligated for such a program until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the recommendations of the Secretary for a light helicopter modernization program for the Army based upon the Secretary's review of the results of the study under subsection (a).

SEC. 113. 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. 114. 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. 115. CLOSE COMBAT TACTICAL TRAINER QUICKSTART PROGRAM.

Funds authorized to be appropriated for the Army for procurement for fiscal year 1994 by section 101 may be used for long lead procurement of component hardware items to accelerate the Close Combat Tactical Trainer Quickstart program.

Subtitle C—Navy Programs

SEC. 121. SEAWOLF ATTACK SUBMARINE PROGRAM.

(a) LIMITATION ON USE OF CERTAIN FUNDS.—Except as provided in subsection (c), none of the funds described in subsection (b) may be obligated for Seawolf-class attack submarines other than for long-lead components for the vessel designated as SSN-23.

(b) FUNDS SUBJECT TO LIMITATION.—Subsection (a) applies to any unobligated funds remaining on the date of the enactment of this Act from the amount of $540,200,000 originally appropriated for fiscal year 1992 for the Seawolf-class attack submarine program and made available under Public Law 102-298 for the purposes of preserving the industrial base for submarine construction (as specified at page 27 of the report of the committee of conference to accompany the conference report on H.R. 4990 of the 102d Congress (House Report 102-530)).

(c) EXCEPTION.—Subsection (a) does not prohibit the obligation of funds for settlement of claims arising from the termination for the convenience of the Government during fiscal year 1992 of contracts for Seawolf-class submarines or components of Seawolf-class submarines.

SEC. 122. TRIDENT II (D-5) MISSILE PROCUREMENT.

(a) PRODUCTION.—Of amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994—

(1) not more than $983,345,000 may be obligated for procurement of Trident II (D-5) missiles; and

(2) not more than $145,251,000 may be obligated for advance procurement for production of D-5 missiles for a fiscal year after fiscal year 1994.

(b) OPTIONS FOR ACHIEVING SLBM WARHEAD LIMITATIONS.—Not later than April 1, 1994, the Secretary of Defense shall submit to Congress a report on options available for

achieving the limitations on submarine-launched ballistic missile (SLBM) warheads imposed by the START II treaty at significantly reduced costs from the costs planned for fiscal year 1994. The report shall include an examination of the implications for those options of further reductions in the number of such warheads under further strategic arms reduction treaties.

SEC. 123. STUDY OF TRIDENT MISSILE SUBMARINE PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, not later than April 1, 1994, a report comparing (1) modifying Trident I submarines to enable those submarines to be deployed with D-5 missiles, with (2) retaining the Trident I (C-4) missile on the Trident I submarine. In preparing the report, the Secretary shall include considerations of cost effectiveness, force structure requirements, and future strategic flexibility of the Trident I and Trident II submarine programs.

SEC. 124. MK-48 ADCAP TORPEDO PROGRAM.

(a) IN GENERAL.—(1) The Secretary of Defense shall terminate the MK-48 ADCAP torpedo program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of MK-48 ADCAP torpedoes.

(b) EXCEPTIONS.—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of, spare or repair parts for MK-48 ADCAP torpedoes described in paragraph (2);

(B) completion of the procurement of MK-48 ADCAP torpedoes described in paragraph (2)(B); and

(C) the obligation of not more than $100,125,000 from funds made available pursuant to section 102(a) for the procurement of 108 MK-48 ADCAP torpedoes and for payment of costs necessary to terminate the MK-48 ADCAP procurement program.

(2) The MK-48 ADCAP torpedoes referred to in paragraph (1)(A) are—

(A) MK-48 ADCAP torpedoes acquired by the Navy on or before the date of the enactment of this Act;

(B) MK-48 ADCAP torpedoes for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of the enactment of this Act and which are delivered to the Navy on or after that date; and

(C) 108 MK-48 ADCAP torpedoes for which funds are available in accordance with paragraph (1)(C).

SEC. 125. SSN ACOUSTICS MASTER PLAN.

(a) MASTER PLAN.—The funds described in subsection (b) may not be obligated until the Secretary of the Navy submits to the congressional defense committees a submarine acoustics master plan. The master plan shall include—

(1) current requirements for submarine acoustic sensors and combat systems based on existing and future evolving missions and environment considerations;

(2) a catalogue of existing and future sensors, technologies, and programs and a description of their shortcomings relative to current requirements;

(3) technology application, program plans, and costs for remedying shortcomings in submarine acoustic sensors and combat systems identified under paragraph (2); and

(4) a statement of the specific purposes for which the Navy intends to obligate the funds described in subsection (b).

(b) FUNDS SUBJECT TO LIMITATION.—Subsection (a) applies to $13,000,000 of the amount appropriated pursuant to section 102 for other procurement for the Navy that is available for submarine acoustics.

SEC. 126. LONG-TERM LEASE OR CHARTER AUTHORITY FOR CERTAIN DOUBLE-HULL TANKERS AND OCEANOGRAPHIC VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for any double-hull tanker or oceanographic vessel constructed in a United States shipyard after the date of the enactment of this Act using assistance provided under the National Shipbuilding Initiative.

(b) CONDITIONS ON OBLIGATION OF FUNDS.—Unless budget authority is specifically provided in an appropriations Act for the lease or charter of vessels pursuant to subsection (a), the Secretary may not enter into a contract for a lease or charter pursuant to that subsection unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter or that kind of vessel lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter, or that kind of lease or charter, for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(c) INAPPLICABILITY OF CERTAIN LAWS.—A long-term lease or charter authorized by subsection (a) may be entered into without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(d) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in subparagraph (A) of section 2401(d)(1) of title 10, United States Code.

SEC. 127. LONG-TERM LEASE OR CHARTER AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note). The authority provided in the preceding sentence may not be exercised after June 15, 1995, to enter into a long-term lease or charter for a vessel described in subsection (b)(1).

(b) VESSELS COVERED.—Subsection (a) applies to the following vessels which are required by the Department of the Navy for prepositioning aboard ship or related point-to-point service as follows:

(1) Not more than five roll-on/roll-off (RO/RO) vessels which were constructed before the date of the enactment of this Act and on which, in the case of a vessel for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, such work is performed in a United States shipyard.

(2) Any roll-on/roll-off (RO/RO) vessel built after the date of the enactment of this Act in a shipyard located in the United States.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—Unless budget authority is specifically provided in an appropriations Act for the lease or charter of vessels pursuant to subsection (a), the Secretary may not enter into a contract for a lease or charter pursuant to that subsection unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter or that kind of vessel lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter, or that kind of lease or charter, for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) RENEWAL OF CHARTERS.—A long-term lease or charter under subsection (a) for a vessel described in subsection (b)(1) may not be entered into for a term of more than five years. Such a lease or charter may only be renewed or extended subject to the restrictions and authority provided in section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(f) DEFINITION.—For purposes of this section, the term "long-term lease or charter" has the meaning given that term in subparagraph (A) of section 2401(d)(1) of title 10, United States Code.

SEC. 128. F-14 AIRCRAFT UPGRADE PROGRAM.

None of the funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1994 may be obligated for the F-14 aircraft upgrade program until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees a report on that upgrade program that includes the following information:

(1) A description of the F-15E equivalent strike upgrade configuration selected for the F-14D upgrade program.

(2) A schedule for conversion of the F-14D fleet to the upgraded configuration.

(3) A description of the F-14D strike upgrade derivative configuration selected for the F-14A or F-14B upgrade program.

(4) A schedule for conversion of the F-14A and F-14B fleet to an upgraded configuration.

(5) The total number of F-14A and F-14B aircraft to be converted.

(6) A funding plan for implementing the upgrade programs.

Subtitle D—Air Force Programs

SEC. 131. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $911,300,000 may be obligated for the B-2 bomber aircraft program. Of that amount, not more than $285,100,000 may be obligated for initial spares.

(b) LIMITATION ON OBLIGATION OF FUNDS.—None of the unobligated balances of funds appropriated for procurement of B-2 aircraft for fiscal year 1992, fiscal year 1993, or fiscal year 1994 may be obligated for the B-2 bomber aircraft program until—

(1) the Secretary of the Air Force—

(A) enters into a definitized production contract with the prime contractor for air vehicles 17 through 21; or

(B) submits to the congressional defense committees a report setting forth the reasons that such a contract cannot be entered into; and

(2) the Secretary of Defense submits to those 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) REAFFIRMATION OF LIMITATION ON NUMBER OF B-2 AIRCRAFT.—As provided in section 151(c) of Public Law 102-484 (106 Stat. 2339), the Secretary of the Air Force may not procure more than 20 deployable B-2 bomber aircraft (plus one test aircraft which may not be made operational).

(d) LIMITATION ON TOTAL PROGRAM COST.—The total amount obligated on or after the date of the enactment of this Act (1) for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the B-2 bomber aircraft referred to in subsection (c), and (2) for paying the costs associated with termination of the B-2 bomber aircraft program upon completion of the acquisition of those aircraft may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(e) RELEASE OF PRIOR YEAR FUNDS.—Funds previously authorized and appropriated for procurement of B-2 bomber aircraft program, the obligation of which was limited by section 131(b) of Public Law 102-190 (105 Stat. 1306) or by section 151(d) of Public Law 102-484 (106 Stat. 2339), may be obligated for that program.

SEC. 132. B-1B BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROCUREMENT.—Of the amount authorized to be appropriated pursuant to section 103(1) for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $272,300,000 shall be available for the B-1B bomber program.

(b) REQUIREMENT FOR TEST PLAN.—(1) The Secretary of the Air Force shall develop a plan to test the operational readiness rate of one B-1B bomber wing that could be sustained if that wing were provided the planned complement of base-level spare parts, maintenance equipment, maintenance manpower, and logistic support equipment.

(2) The plan shall also test the operational readiness rates of one squadron of that wing operating at a remote operating location, for a period of not less than two weeks, in a manner consistent with Air Force plans for the use of B-1B bombers in a conventional conflict.

(3) The remote operating location selected for purposes of paragraph (2) shall be at a base other than a base containing or servicing heavy bomber aircraft.

(4) The test plan under paragraph (1) shall be designed to be carried out over a period of not less than six months ending not later than December 1, 1995.

(c) REPORT ON THE TEST PLAN.—(1) The Secretary shall submit to the congressional defense committees a report on the proposed test plan not later than March 31, 1994. The report shall include a copy of the proposed test plan.

(2) The report on the test plan shall include the following elements:

(A) A description of the plans of the Air Force for meeting the test requirements specified in subsection (b), including the period during which the test is proposed to be conducted under this section.

(B) A description of the predicted contribution to mission capable rates that planned reliability and maintenance improvements are expected to make.

(C) A description of the predicted effects of the test on the readiness rates of the B-1B wings not participating in the test if the test is initiated between the date of the enactment of this Act and June 1, 1995.

(D) The earliest date feasible for the implementation of the test plan if a test within the period specified in the description under subparagraph (A) is predicted under subparagraph (C) to have an adverse effect on B-1B fleet readiness.

(d) IMPLEMENTATION OF TEST PLAN.—(1) The Secretary shall notify the congressional defense committees of the start of the test period.

(2) The Secretary shall complete the implementation of the test plan required under subsection (b) not later than December 1, 1995.

(e) WAIVER AUTHORITY.—(1)(A) The Secretary of the Air Force may postpone implementation of the test plan to a period ending after December 1, 1995, if the Secretary determines that, as a result of implementing the planned test within the period specified in subsection (b)(4), the ability of the Air Force to meet operational readiness rates for B-1B units not participating in the test would be reduced to unacceptable levels.

(B) If the Secretary of the Air Force proposes to use the authority provided in subparagraph (A), the Secretary shall, before using that authority, submit to the congressional defense committees notice in writing of the proposed postponement of the test plan. If the test plan report required under subsection (c) has not been submitted as of the time of the decision to postpone implementation of the test plan, that notice shall be submitted as part of the submission of the test plan report.

(2)(A) The Secretary of Defense may waive implementation of the test plan if the Secretary determines that implementing the test plan would not be in the national security interest of the United States.

(B) If the Secretary of Defense proposes to use the waiver authority provided in subparagraph (A), the Secretary shall, before using that authority, submit to the congressional defense committees notice in writing of the proposed waiver. Upon using that waiver authority, the Secretary shall, not later than 30 days after the date on which the waiver authority is used, submit to the congressional defense committees a report setting forth a detailed explanation of the reasons for the waiver.

(f) REPORT ON TEST RESULTS.—(1) Unless the Secretary exercises the waiver authority provided in subsection (e)(1)(B), the Secretary shall submit to the congressional defense committees, and to the Comptroller General of the United States, a report on the results obtained from implementation of the test. The report shall be submitted within 90 days after the completion of the test.

(2) The report required under paragraph (1) shall include an assessment of—

(A) the extent to which the provision of planned spares, maintenance manpower, and logistics support will enable the B-1B force to achieve the planned operational readiness rate; and

(B) if the planned readiness rate cannot be achieved with the planned level of spares, maintenance manpower and logistics support—

(i) an estimate of the operational readiness rate that can be achieved with the planned level of spares, maintenance manpower, and logistics support;

(ii) an estimate of the additional amounts of spares, maintenance manpower, and logistics support and the added costs thereof, to achieve the planned operational readiness rate; and

(iii) an enumeration of those specific factors limiting the achievable operational readiness rate which it would be cost-effective to mitigate, and the increase in operational readiness that would result therefrom.

SEC. 133. FULL AND PROMPT ACCESS BY COMPTROLLER GENERAL TO INFORMATION ON HEAVY BOMBER PROGRAMS.

(a) DUTY OF SECRETARY OF DEFENSE.—The Secretary of Defense shall take all actions necessary to ensure that all components of the Department of Defense, in providing to the Comptroller General of the United States such access to information described in subsection (b) as the Comptroller General may require in order to carry out the functions of the Comptroller General, provide such access on a full and prompt basis.

(b) INFORMATION COVERED.—Subsection (a) refers to all information (including reports and analyses) generated by or on behalf of the Department of the Air Force (including by Air Force contractors) that relates to (1) operation, maintenance, repair, and modernization of heavy bombers, or (2) the plans of the Air Force for operation, maintenance, repair, and modernization of heavy bombers in the future.

SEC. 134. C-17 AIRCRAFT PROGRAM PROGRESS PAYMENTS AND REPORTS.

(a) WITHHOLDING OF PAYMENTS FOR SOFTWARE NONCOMPLIANCE.—In accepting further delivery of C-17 aircraft that in accordance with existing C-17 contracts require a waiver for software noncompliance, the Secretary of Defense shall withhold from the unliquidated portion of the progress payments for such aircraft an amount not less than 1 percent of the total cost of such aircraft. The withholding shall continue until the Secretary submits to each of the congressional committees named in subsection (e) a report in which the Secretary certifies each of the following:

(1) That C-17 software testing and avionics integration have been completed.

(2) That the costs of waivers for software noncompliance have been identified and are in accordance with the terms of existing C-17 contracts.

(b) CORRECTION OF WING DEFECTS.—Within 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report in which the Secretary certifies that, in accordance with the terms of existing C-17 contracts, the contractor has identified and is bearing each of the following:

(1) The costs related to wing structural deficiencies (including the costs of redesign, static wing failure repair, and retrofit for existing wing sets).

(2) The costs for required redesign, retesting, and manufacture of C-17 slats and flaps to correct identified deficiencies.

(c) ANALYSIS OF RANGE/PAYLOAD DEFICIENCY.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report containing the following:

(1) An analysis of the operational impacts caused by deficiencies in the range/payload specification, as defined by the C-17 Lot III

production contract, including projected operational and maintenance costs, such as the costs of required airborne refueling due to range shortfalls.

(2) A schedule for securing from the contractor, in accordance with the terms of existing C-17 contracts, an equitable recovery for the operational impacts caused by deficiencies in the range/payload specification identified in the analysis required by this section.

(d) REPORT CONTENTS.—Each report required by this section shall include an itemization of the estimated effect on total production costs caused by software noncompliance, wing defects, or range/payload deficiency, as applicable.

(e) CONGRESSIONAL COMMITTEES.—The committees of Congress to which a report required by this section is to be submitted are the following:

(1) The Committees on Armed Services of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

SEC. 135. 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; 106 Stat. 2335) is amended by striking out "for fiscal year 1993".

SEC. 136. INTERTHEATER AIRLIFT PROGRAM.

(a) FUNDING FOR PROGRAM.—Of the amount appropriated under section 103 for procurement of aircraft for the Air Force (or otherwise made available for procurement of aircraft for the Air Force for fiscal year 1994), not more than $2,318,000,000 (hereinafter in this section referred to as "fiscal year 1994 intertheater airlift funds") may be made available for the Intertheater Airlift Program, including the C-17 aircraft program. Of that amount—

(1) not more than $1,730,000,000 may be made available for procurement for the C-17 aircraft program (other than for advanced procurement and procurement of spare parts), except as such amount may be increased pursuant to paragraph (4);

(2) not more than $188,000,000 may be made available for advanced procurement for the C-17 aircraft program;

(3) not more than $100,000,000 may be made available for procurement of nondevelopmental wide-body military or commercial cargo variant aircraft as a complement to the C-17 aircraft, except as such amount may be increased pursuant to paragraph (4); and

(4) subject to subsection (h), not more than $300,000,000 may be made available for procurement either as specified in paragraph (1) or as specified in paragraph (3), in addition to the amount specified in that paragraph.

(b) USE OF FUNDS.—(1) Using fiscal year 1994 intertheater airlift funds and subject to the limitations in subsection (a), the Secretary of Defense shall do the following:

(A) Procure C-17 aircraft.

(B) Initiate procurement of nondevelopmental aircraft as a complement to the C-17 aircraft, selected as provided in paragraph (3).

(2) Using fiscal year 1994 intertheater airlift funds and subject to the limitations in subsection (a), the Secretary shall develop an acquisition plan leading to procurement as an airlift aircraft complementary to the C-17 aircraft of either—

(A) a nondevelopmental, wide-body military airlift aircraft; or

(B) a nondevelopmental commercial wide-body cargo variant aircraft.

(3) The Secretary shall choose which, or what mix, of the options specified in paragraph (2) best supports intertheater airlift requirements.

(c) FISCAL YEAR 1994 LIMITATION.—Amounts appropriated under section 103 for procurement of aircraft for the Air Force (or otherwise made available for procurement of aircraft for the Air Force for fiscal year 1994) may not be obligated for procurement of C-17 aircraft (other than for advanced procurement) until—

(1) each limitation and requirement set forth in subsections (b), (c), (d), and (f) of section 134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2335) has been 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, to include specific changes to requirements recommended by the Joint Requirements Oversight Council (JROC);

(B) a discussion of the corrective actions to be taken by the Air Force with regard to such program;

(C) a proposed resolution of outstanding contractor claims and any requested legislation relating to those claims;

(D) a discussion of the corrective actions to be taken by the contractor with regard to such program; and

(E) the findings and recommendations of the special Defense Science Board group resulting from the investigation of the program by that group.

(d) FISCAL YEAR 1995 LIMITATION.—The Secretary of Defense may not obligate any funds that may be appropriated for the Department of Defense for fiscal year 1995 that are made available for the C-17 aircraft program (other than funds made available for advanced procurement) until the Secretary submits to the congressional defense committees a report containing a review (based on an analysis by a federally funded research and development center) of the airlift requirements of the Armed Forces. The review shall reflect consideration of each of the following:

(1) The changes in total airlift requirements of the Armed Forces resulting from the disintegration of the Warsaw Pact and Soviet Union that eliminate any major trans-Atlantic airlift requirement for Europe.

(2) The change in airlift requirements of the Armed Forces from requirements for airlift of large quantities of outsize cargo for reenforcement of North Atlantic Treaty Organization 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.

(3) The potential contribution that planned strategic sealift improvements can make toward—

(A) reducing the total demand for airlift; and

(B) changing the type of cargo that airlift aircraft must carry.

(4) The declining demand for the conduct of airlift operations in austere airfield environments.

(5) The trade-off between purchasing the type of additional capability that the C-17 aircraft can provide and purchasing and using additional support equipment that would increase the cargo airlift capacity of alternative cargo aircraft.

(e) LIMITATION ON ACQUISITION OF MORE THAN FOUR C-17 AIRCRAFT.—The Secretary of Defense may not obligate C-17 production funds (as defined in subsection (i)) to produce more than four 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 gross weight of 580,000 pounds and 160,000 pounds payload within a critical field length of 8,500 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 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 beginning of assembly to the completion of assembly before movement to the ramp at the prime contractor's facilities.

(10) For all aircraft scheduled for delivery in the prior six-month period, delivery of each aircraft within one month of scheduled delivery date.

(f) LIMITATION ON ACQUISITION OF MORE THAN SIX C-17 AIRCRAFT.—The Secretary of Defense may not obligate C-17 production funds (as defined in subsection (i)) to produce more than six aircraft for a fiscal year after fiscal year 1995 until the program meets the following milestones (in addition to the milestones specified in subsection (e)):

(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.

(g) LIMITATION ON ACQUISITION OF MORE THAN SIX C-17 AIRCRAFT.—The Secretary of Defense may not obligate C-17 production funds (as defined in subsection (i)) to produce more than six C-17 aircraft for a fiscal year after fiscal year 1996 until the program meets the following milestones (in addition to the milestones specified in subsections (e) and (f)):

(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.

(h) FUNDING OUT OF INTERTHEATER AIRLIFT PROGRAM.—Fiscal year 1994 intertheater airlift funds that are referred to in paragraph (4) of subsection (a) may be made available by the Secretary of Defense for procurement for the C-17 program, or for procurement for the complementary nondevelopmental wide-body aircraft, only after—

(1) the Secretary of Defense—

(A) submits the report on the C-17 program specified in subsection (c)(2);

(B) determines whether procurement of two additional C-17 aircraft would contribute more to intertheater lift modernization than procurement of additional complementary nondevelopment wide-body aircraft at the same funding level; and

(C) submits to the congressional defense committees notice of the determination described in subparagraph (B) along with notification of the Secretary's intent to transfer up to $300,000,000 as provided in subsection (a)(4) either to the C-17 program or to the nondevelopmental aircraft program specified in subsection (a)(3); and

(2) a period of 30 days has elapsed after the submission of the report referred to in paragraph (1)(A) and the notification required by paragraph (1)(C).

(i) C-17 PRODUCTION FUNDS DEFINED.—For purposes of this section, the term "C-17 production funds" means funds appropriated for the Department of Defense for a fiscal year after fiscal year 1993 that are made available for the intertheater airlift program, including the C-17 aircraft program (other than funds made available for advanced procurement).

SEC. 137. USE OF F-16 AIRCRAFT ADVANCE PROCUREMENT FUNDS FOR PROGRAM TERMINATION COSTS.

(a) FUNDS FOR PROGRAM TERMINATION COSTS.—Of the amount provided in section 103 for procurement of aircraft for the Air Force, the amount of $70,800,000 shall be available only for program termination costs for the F-16 aircraft program.

(b) PROHIBITION OF FUNDS FOR ADVANCE PROCUREMENT.—None of the funds appropriated pursuant to section 103 for procurement of aircraft for the Air Force shall be available for advance procurement of F-16 aircraft for fiscal year 1995.

SEC. 138. TACTICAL SIGNALS INTELLIGENCE AIRCRAFT.

(a) FISCAL YEAR 1994 FUNDING.—Of the amount authorized to be appropriated for procurement for Defense-wide activities in section 104, $161,225,000 shall be available for tactical signals intelligence aircraft programs as follows:

(1) $34,225,000 for the EP-3 Aries II Phase I modification program.

(2) $33,800,000 for the RC-135 Rivet Joint Block III Baseline Six modification program.

(3) $93,200,000 for a nondevelopmental testbed aircraft incorporating ARSP SIGINT upgrade program architecture.

(b) PRIOR YEAR FUNDS.—(1) Section 141 of Public Law 102-484 (106 Stat. 2338) is repealed.

(2) Amounts made available pursuant to section 141 of Public Law 102-484 that remain available for obligation shall be available for the fiscal year 1993 EP-3 Aries II Phase I modification program and the RC-135 Rivet Joint Block III Baseline Six modification program as provided for in the budget for fiscal year 1993 submitted to Congress pursuant to section 1105 of title 31, United States Code.

(c) LIMITATION.—None of the funds referred to in subsection (a) or (b) may be used for any purpose other than the EP-3 and RC-135 aircraft upgrade programs identified in those subsections.

SEC. 139. C-135 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 FUNDS.—Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force for fiscal year 1994, $48,000,000 shall be available for reengining two KC-135E aircraft.

(b) FISCAL YEAR 1993 FUNDS.—Of the funds available for C-135 series aircraft modifications for fiscal year 1993 that remain available for obligation, $100,900,000 shall be available for reengining four KC-135E aircraft.

Subtitle E—Other Matters

SEC. 151. ALQ-135 JAMMER DEVICE.

Section 182(b)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1508) 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. 152. 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, up to $3,000,000 may be used for carrying out the study required by paragraph (1).

(b) LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.—After September 30, 2000, funds may not be obligated 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) REPORT.—(1) Not later than May 1, 1994, the Secretary of Defense shall submit to the committees specified in paragraph (3) a report on the Global Positioning System. The report shall include a description of each of the following:

(A) The threats, if any, to the health and safety of United States military forces, allied military forces, and the United States and allied civilian populations, and the threats, if any, of damage to property within the United States and allied countries, that 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.

(B) The threat, if any, to civil aviation and other transportation operations that will result by the year 2000 from the signal jamming, deception, and other disruptive effects of Global Positioning System navigation signals.

(C) The actions, if any, that can be taken to eliminate or mitigate such threats.

(D) The modifications, if any, of the Global Positioning System and derivative systems that 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.

(2) The report under paragraph (1) shall be prepared in coordination with the Director of Central Intelligence.

(3) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 153. RING LASER GYRO NAVIGATION SYSTEMS.

None of the funds appropriated for fiscal year 1993 or fiscal year 1994 for procurement for the Navy may be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole-source contract.

SEC. 154. OPERATIONAL SUPPORT AIRCRAFT.

(a) LIMITATION.—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 the Under Secretary of Defense for Acquisition and Technology certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of title 10, United States Code.

(b) AIRLIFT STUDY.—Of the funds appropriated pursuant to section 106, not more than $50,000,000 may be obligated to procure operational support airlift aircraft. None of those funds may be obligated until 60 days after the date on which the study required by subsection (c) is transmitted to the congressional defense committees.

(c) STUDY REQUIRED.—The Secretary of Defense shall undertake a study of operational support airlift aircraft and administrative transport airlift aircraft operated by reserve components of the Department of Defense.

(d) STUDY REQUIREMENTS.—The study required by subsection (c) shall include the following:

(1) An inventory of all operational support airlift aircraft and administrative transport airlift aircraft.

(2) The peacetime utilization rate of such aircraft.

(3) The wartime mission of such aircraft.

(4) The need for such aircraft for the future base force.

(5) The current age, projected service life, and programmed retirement date for such aircraft.

(6) A list of aircraft programmed in the current future-years defense program to be purchased or to be transferred from the active components to the reserve components.

(7) The funds programmed in the current future-years defense program for procurement of replacement operational support and administrative transport airlift aircraft, and the acquisition strategy proposed for each type of replacement aircraft so programmed.

(e) DEFINITION.—For purposes of this section, the term "future-years defense program" means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

SEC. 155. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) SUBMISSION OF REPORTS ON ALTERNATIVE TECHNOLOGIES.—Section 173(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2343) is amended by striking out the period at the end and inserting in lieu thereof "and a period of 60 days has passed following the submission of the report. During such 60-day period, each Chemical Demilitarization Citizens' Advisory Commission in existence on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994 may submit such comments on the report as it considers appropriate to the Committees on Armed Services of the Senate and House of Representatives.".

(b) EXTENSION OF DEADLINE FOR SUBMISSION OF REVISED CONCEPT PLAN.—Section 175(d) of such Act (106 Stat. 2344) is amended by striking out "not later than 180 days" and all that follows and inserting in lieu thereof "during the 120-day period beginning at the end of the 60-day period following the submission of the report of the Secretary required under section 173.".

SEC. 156. CHEMICAL MUNITIONS DISPOSAL FACILITIES, TOOELE ARMY DEPOT, UTAH.

(a) LIMITATION PENDING CERTIFICATION.—After January 1, 1994, none of the funds appropriated to the Department of Defense for fiscal year 1993 or 1994 may be obligated for the systemization of chemical munitions disposal facilities at Tooele Army Depot, Utah, until the Secretary of Defense submits to Congress a certification described in subsection (b).

(b) CERTIFICATION REQUIREMENT.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the operation of the chemical munitions disposal facilities at Tooele Army Depot will not jeopardize the health, safety, or welfare of the community surrounding Tooele Army Depot; and

(2) adequate base support, management, oversight, and security personnel to ensure the public safety in the operation of chemical munitions disposal facilities constructed and operated at Tooele Army Depot will remain at that depot while chemical munitions storage or disposal activities continue.

(c) SUPPORTING REPORT.—The Secretary of Defense shall include with a certification under this section a report specifying all base support, management, oversight, and security personnel to be retained at Tooele Army Depot after the realignment of that depot is completed.

SEC. 157. AUTHORITY TO CONVEY LOS ALAMOS DRY DOCK.

(a) AUTHORITY.—The Secretary of the Navy may convey to the Brownsville Navigation District of Brownsville, Texas, all right, title, and interest of the United States in and to the dry dock designated as Los Alamos (AFDB7).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Brownsville Navigation District shall permit the Secretary of the Navy—

(1) to use real property which is (A) located on and near a ship channel, (B) under the ownership or control of the Brownsville Navigation District, and (C) not used by the Brownsville Navigation District, except that such use shall be only for training purposes and shall be permitted for a five-year period beginning on the date of the transfer;

(2) to use such property under paragraph (1) without reimbursement from the Secretary of the Navy; and

(3) to use the dock for dockage services, without reimbursement from the Secretary of the Navy, except that such use shall be for not more than 45 days each year during the period referred to in paragraph (1) and shall be subject to all applicable Federal and State laws, including laws on maintenance and dredging.

(c) EXTENSION OF USE.—At the end of the five-year period referred to in subsection (b)(1), the Secretary of the Navy and the chief executive officer of the Brownsville Navigation District may enter into an agreement to extend the period during which the Secretary may use real property and dockage under subsection (b).

(d) CONDITION.—As a condition of the conveyance authorized by subsection (a), the Secretary shall enter into an agreement with the Brownsville Navigation District under which the Brownsville Navigation District agrees to hold the United States harmless for any claim arising with respect to the drydock after the conveyance of the drydock other than as a result of use of the dock by the Navy pursuant to subsection (b) or an agreement under subsection (c).

SEC. 158. SALES AUTHORITY OF CERTAIN WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE ARMY.

(a) IN GENERAL.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Regulations under section 2208(h) of this title shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured nondefense-related commercial articles or services to a person outside the Department of Defense if—

"(1) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(A) for use in developing new products;

"(B) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(C) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

"(D) for use in commercial products;

"(2) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(3) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

"(4) in the case of services, the services are related to an article authorized to be sold under this section and are to be performed in the United States for the purchaser.

"(b) ADDITIONAL REQUIREMENTS.—The regulations shall also—

"(1) require that the authority to sell articles or services under the regulations be exercised at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned;

"(2) authorize a purchaser of articles or services to use advance incremental funding to pay for the articles or services; and

"(3) in the case of a sale of commercial articles or commercial services in accordance with subsection (a) by a facility that manufactures large caliber cannons, gun mounts, or recoil mechanisms, or components thereof, authorize such facility—

"(A) to charge the buyer, at a minimum, the variable costs that are associated with the commercial articles or commercial services sold;

"(B) to enter into a firm, fixed-price contract or, if agreed by the buyer, a cost reimbursement contract for the sale; and

"(C) to develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the commercial articles or commercial services sold.

"(c) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'commercial article' means an article that is usable for a nondefense purpose.

"(2) The term 'commercial service' means a service that is usable for a nondefense purpose.

"(3) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(4) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

"(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

"(B) in the case of services, the extent of the services sold.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense.".

(b) CONFORMING AMENDMENT.—Subsection (i) of section 2208 of such title is amended to read as follows:

"(i) For provisions relating to sales outside the Department of Defense of manufactured articles and services by a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof, see section 4543 of this title.".

(c) DEADLINE FOR REGULATIONS.—Regulations under subsection (b) of section 4543 of

title 10, United States Code, as added by subsection (a), shall be prescribed not later than 30 days after the date of the enactment of this Act.

SEC. 159. SPACE-BASED MISSILE WARNING AND SURVEILLANCE PROGRAMS.

(a) AMOUNT FOR PROGRAMS.—Of the amounts authorized to be appropriated by section 104, not to exceed $801,900,000 shall be available for space-based missile warning and surveillance programs.

(b) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, during fiscal year 1994 funds may be transferred from the amount available for space-based missile warning and surveillance programs pursuant to subsection (a) to programs specified in subsection (c) as follows:

(1) Before March 1, 1994, up to $250,000,000.

(2) On or after March 1, 1994, any unobligated amount remaining for space-based missile warning and surveillance programs pursuant to subsection (a).

(c) PROGRAMS TO WHICH TRANSFERRED.—A transfer under subsection (b) may be made to any of the following programs:

(1) The Follow-on Early Warning System.

(2) The Defense Support Program.

(3) The Brilliant Eyes Program.

(4) The Cobra Ball Upgrade Program.

(d) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (b) is in addition to the authority provided in section 1101.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for research, development, test, and evaluation, as follows:

(1) For the Army, $5,197,467,000.

(2) For the Navy, $8,376,737,000.

(3) For the Air Force, $12,289,211,000.

(4) For Defense-wide activities, $9,042,949,000, of which—

(A) $242,592,000 is authorized for the activities of the Director, 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, $4,283,935,000 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, $150,000,000 shall be available for the Strategic Environmental Research and Development Program.

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 Antisatellite (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. B-1B BOMBER PROGRAM.

Of the amount authorized to be appropriated pursuant to section 201 for the Air Force for fiscal year 1994, not more than $49,000,000 shall be available for the B-1B bomber program.

SEC. 213. SPACE LAUNCH MODERNIZATION PLAN.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a plan that establishes and clearly defines priorities, goals, and milestones regarding modernization of space launch capabilities for the Department of Defense or, if appropriate, for the Government as a whole. The plan shall specify whether the Secretary intends to allocate funds for a new space launch vehicle or other major space launch development initiative in the next future-years defense program submitted pursuant to section 221 of title 10, United States Code.

(2) The plan shall be developed in consultation with the Director of the Office of Science and Technology Policy.

(3) The Secretary shall submit the plan to Congress at the same time in 1994 that the Secretary submits to Congress the next future-years defense program.

(b) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated in section 201, $35,000,000 shall be available through the Office of the Undersecretary of Defense for Acquisition and Technology for research, development, test, and evaluation of new non-man-rated space launch systems and technologies. None of that amount may be obligated or expended for any operational United States space launch vehicle system in existence as of the date of the enactment of this Act. Of that amount—

(1) $17,000,000 shall be available for the single-stage rocket technology (SSRT) program, including—

(A) completion of phase one of the SSRT program begun in the Ballistic Missile Defense Office;

(B) concept studies for new reusable space launch vehicles;

(C) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and

(D) examination of reusable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs; and

(2) $18,000,000 shall be available for similar tasks related to expendable launch vehicles, including—

(A) concept studies for new expendable space launch vehicles;

(B) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and

(C) examination of expendable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs.

(c) REQUIREMENTS REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.—If the space launch plan under subsection (a) identifies a new, non-man-rated expendable or reusable launch vehicle technology for development or acquisition, the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(d) COST REDUCTION REQUIREMENT.—The plan shall provide for a means of reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for those production rates.

(e) STUDY OF DIFFERENCES BETWEEN UNITED STATES AND FOREIGN SPACE LAUNCH VEHICLES.—(1) The Secretary of Defense shall conduct a comprehensive study of the differences between existing United States and foreign expendable space launch vehicles in order—

(A) to identify specific differences in the design, manufacture, processing, and overall management and infrastructure of such space launch vehicles; and

(B) to determine the approximate effect of the differences on the relative cost, reliability, and operational efficiency of such space launch vehicles.

(2) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration and, as appropriate, the heads of other Federal agencies and appropriate personnel of United States industries and academic institutions in carrying out the study.

(3) The Secretary shall submit to Congress a report of the results of the study no later than October 1, 1994.

SEC. 214. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2370 the following new section:

"§ 2370a. Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats

"(a) ALLOCATION BETWEEN NEAR-TERM AND OTHER THREATS.—Of the funds appropriated or otherwise made available for any fiscal year for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense —

"(1) 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

"(2) 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 or far-term validated biowarfare threat agents.

"(b) DEFINITIONS.—In this section:

"(1) The term 'validated biowarfare threat agent' means a biological agent that—

"(A) is named in the biological warfare threat list published by the Defense Intelligence Agency; and

"(B) is identified as a biowarfare threat by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

"(2) The term 'near-term validated biowarfare threat agent' means a validated biowarfare threat agent that has been, or is being, developed or produced for weaponization within 5 years, as assessed and determined by the Defense Intelligence Agency.

"(3) The term 'mid-term validated biowarfare threat agent' means a validated biowarfare threat agent that is an emerging biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 5 years and less than 10 years, as assessed and determined by the Defense Intelligence Agency.

"(4) The term 'far-term validated biowarfare threat agent' means a validated biowarfare threat agent that is a future biowarfare threat, is the object of research by a foreign threat country, and could be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined by the Defense Intelligence Agency.

"(5) The term 'weaponization' means incorporation into usable ordnance or other militarily useful means of delivery.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2370 the following new item:

"2370a. Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats.".

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) CENTERS COVERED.—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 to procure work from a federally funded research and development center only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) 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—

(1) the name of each federally funded research and development center from which work is proposed to be procured for the Department of Defense for fiscal year 1994; and

(2) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1994.

The total of the proposed funding levels set forth in the report for all federally funded research and development centers may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated to obtain work from a federally funded research and development center until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—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 a total of $1,352,650,000 may be obligated to procure services from the federally funded research and development centers named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to a federally funded research and development center. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the congressional defense committees notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies the congressional defense committees of that determination and the reasons for the determination.

(f) 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.

SEC. 216. DEMONSTRATION PROGRAM FOR BALLISTIC MISSILE POST-LAUNCH DESTRUCT MECHANISM.

(a) DEMONSTRATION PROGRAM.—The Secretary of Defense shall conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism. The program shall be carried out through the Advanced Research Projects Agency.

(b) FUNDING.—The amount expended for the demonstration program may not exceed $15,000,000. Subject to the provisions of appropriations Acts, the Secretary may provide $5,000,000 for the program from unexpended balances remaining available for obligation from funds appropriated to the Department of Defense for fiscal year 1993.

(c) WAIVER.—The Secretary of Defense may waive the requirement to conduct a demonstration program under subsection (a) if the Secretary certifies to the congressional defense committees that conducting such a program is not in the national security interest of the United States.

SEC. 217. HIGH PERFORMANCE COMPUTING AND COMMUNICATION INITIATIVE.

(a) INDEPENDENT STUDY.—Within 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the Office and Science and Technology Policy, shall request the National Research Council (NRC) to conduct a comprehensive study of the inter-agency High Performance Computing and Communications Initiative (HPCCI).

(b) MATTERS TO BE INCLUDED.—The study shall address (at a minimum) the following aspects of the High Performance Computing and Communications Initiative:

(1) The basic underlying rationale for the program, including the appropriate balance between Federal efforts and private sector efforts.

(2) The appropriateness of the goals and directions of the program.

(3) The balance between various elements of the program.

(4) The likelihood that the various goals of the program will be achieved.

(5) The effectiveness of the mechanisms for obtaining the views of industry and the views of users for the planning and implementation of the program.

(6) The management and coordination of the program.

(7) The relationship of the program to other Federal support of high performance computing and communications, including acquisition of high performance computers by Federal departments and agencies in support of the mission needs of such departments and agencies.

(c) COOPERATION WITH STUDY.—The Director of the Office of Science and Technology Policy shall direct all relevant Federal agencies to cooperate fully with the National Research Council in all aspects of this study. The heads of Federal agencies receiving the directive shall cooperate in accordance with the provisions of the directive.

(d) FUNDING.—The Secretary shall make available from funds available for the High Performance Computing and Communications Program of the Department of Defense amounts not to exceed $500,000 for the National Research Council to conduct the study under subsection (a).

(e) REPORTS.—The Secretary of Defense shall include in an agreement with the National Academy of Sciences that provides for the study, a requirement that the National Research Council submit an interim report and a final report on the results of the study to the Secretary of Defense and to the Director of the Office of Science and Technology Policy. The interim report shall be submitted not later than July 1, 1994, and the final report shall be submitted not later than February 1, 1995. Promptly after receiving the reports, the Director of the Office of Science and Technology Policy shall submit the reports to Congress and may submit with the reports such additional comments as the Director considers appropriate. The reports shall be submitted to Congress in unclassified form with classified annexes as necessary.

SEC. 218. SUPERCONDUCTING MAGNETIC ENERGY STORAGE (SMES) PROGRAM.

(a) PROGRAM OFFICE.—The Secretary of Defense shall establish within the Department of the Navy a program office to facilitate research and design studies leading to possible construction of Superconducting Magnetic Energy Storage (SMES) test models.

(b) FUNDING.—Immediately upon enactment of this Act, the Secretary of Defense shall transfer from the Defense Nuclear Agency to the Department of the Navy any funds appropriated for fiscal years before fiscal year 1994 that were designated for the Superconducting Magnetic Energy Storage Project that remain available for obligation. Those funds shall be obligated for (1) continued work for experiments and studies described in section 218(b)(4) of the National Defense Authorization Act of 1993 (Public Law 102-484; 106 Stat. 2353), and (2) study of alternative SMES designs.

(c) COORDINATION WITH DEPARTMENT OF ENERGY.—Research work of the Department of the Navy described in subsection (a) shall be coordinated with emerging Superconducting Magnetic Energy Storage research being carried out within the Department of Energy.

(d) DEADLINE.—The office referred to in subsection (a) shall be created and staffed not later than 30 days after the date of the enactment of this Act.

SEC. 219. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

Notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2334), the Secretary of Defense may carry out material procurement, logistics support, and integration of existing Advanced Self Protection Jammer systems from Department of Defense inventory into the F-14D aircraft for testing and evaluation using funds appropriated to the Department of Defense for fiscal year 1993 and prior years.

SEC. 220. ELECTRONIC COMBAT SYSTEMS TESTING.

(a) DETAILED TEST AND EVALUATION BEFORE INITIAL LOW-RATE PRODUCTION.—The Secretary of Defense shall ensure that any electronic combat system and any command,

control, and communications countermeasure system is authorized to proceed into the low-rate initial production stage only upon the completion of an appropriate, rigorous, and structured test and evaluation regime. Such a regime shall include testing and evaluation at each of the following types of facilities: computer simulation and modeling facilities, measurement facilities, system integration laboratories, simulated threat hardware-in-the-loop test facilities, installed system test facilities, and open air ranges.

(b) TIMELY TEST AND EVALUATION REQUIRED.—The Secretary shall ensure that test and evaluation of a system as required by subsection (a) is conducted sufficiently early in the development phase to allow—

(1) a correction-of-deficiency plan to be developed and in place for deficiencies identified by the testing before the system proceeds into low-rate initial production; and

(2) the deficiencies identified by test and evaluation to be corrected before the system proceeds beyond low-rate initial production.

(c) ANNUAL REPORT ON COMPLIANCE.—The Secretary of Defense shall include in the annual Department of Defense Electronic Warfare Plan report a description of compliance with this section during the preceding year. Such a report shall include a description of the test and evaluation process applied to each system, the results of that process, and the adequacy of test and evaluation resources to carry out that process.

(d) FUNDS USED FOR TESTING.—The costs of the testing necessary to carry out this section with respect to any system shall be paid from funds available for that system.

(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to any ACAT I level electronic combat system milestone I program and to any command, control, and communications countermeasure system milestone I program that is initiated after the date of the enactment of this Act.

SEC. 221. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) LIMITATION.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris within 50 miles of the Canyonlands National Park, Utah.

(b) DEFINITION OF DEBRIS.—For purposes of subsection (a), the term "debris" does not include particulate matter that is regulated for considerations of air quality.

SEC. 222. JOINT ADVANCED ROCKET SYSTEM.

(a) PROGRAM REQUIREMENT.—None of the funds appropriated pursuant to authorizations in section 201 or otherwise made available for fiscal year 1994 for research, development, test, and evaluation for the Department of Defense may be obligated for any technology for a 2.75-inch rocket or missile program that is inconsistent with the goals and objectives of the joint Advanced Rocket System program or that would otherwise not result in the use of a common 2.75-inch rocket motor by all components of the Department of Defense.

(b) ARMY PROGRAM.—Of the amount authorized for the Army under section 201, $5,500,000 shall be available for participation by the Department of the Army in the Advanced Rocket System program.

(c) FUNDING LIMITATION PENDING REPORT.—Of the amount appropriated pursuant to section 201 for the Department of the Navy for the Advanced Rocket System (program element 604603N) and for the Department of the Army for program element 603313A, not more than 75 percent may be obligated until the end of the 30-day period beginning on the date on which the Secretary of Defense submits to the congressional defense committees a report on the matters specified in subsection (d).

(d) REPORT CONTENTS.—The matters referred to in subsection (c) are the following:

(1) A cost and operational effectiveness analysis (COEA) of 2.75-inch hypervelocity rockets, jointly developed by the military services.

(2) If the analysis referred to in paragraph (1) validates the requirement for such hypervelocity rockets, an evaluation (prepared jointly by the Army and the Navy) of the feasibility of incorporating hypervelocity rocket technology into the Advanced Rocket System.

(3) A plan (prepared jointly by the Army and the Navy) for the transition of total responsibility for 2.75-inch rocket systems to the Rocket Management Office of the Army.

SEC. 223. STANDOFF AIR-TO-SURFACE MUNITIONS TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated pursuant to section 201, up to $2,000,000 of the amount for the Navy and up to $2,000,000 of the amount for Air Force may be used for the conduct of a demonstration of nondevelopmental technology that would enable the use of a single adapter kit for munitions described in paragraph (2) in order to give those munitions a standoff, near-precision guided capability.

(2) Paragraph (1) applies to unguided, in-inventory munitions of the class of 1,000 pounds and below.

(b) REQUEST FOR INFORMATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall issue a request for information for nondevelopmental munitions adapter kits for the purpose described in subsection (a).

(c) CONTRACTOR SELECTION.—Not later than 30 days after the closing date of the request for information under subsection (b), the Secretary of the Navy shall determine whether any of the responses received have sufficient technical merit to justify the conduct of a technology demonstration. If the Secretary determines that the conduct of such a technology demonstration is justified, the Secretary shall select the single most promising technology offered, if applicable, for that demonstration.

(d) TECHNOLOGY DEMONSTRATION.—If the Secretary determines under subsection (c) that a technology demonstration is warranted, the Secretary shall require the contractor selected to complete a suitable nondevelopmental item demonstration of the contractor's adapter kit proposal.

(e) REPORT.—If a contractor is selected in accordance with subsection (c) and a demonstration is accomplished in accordance with subsection (d), the Secretary of the Navy shall submit to the congressional defense committees a report detailing the results and costs of the demonstration and the applicability of the technology demonstrated in providing the Armed Forces with an inexpensive solution to providing near-precision guided munition capability to in-inventory munitions.

SEC. 224. STANDARD EXTREMELY HIGH FREQUENCY WAVEFORM.

The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, shall establish a single standard for all components of the Department of Defense for the set of waveforms to be used for medium data rate (MDR) communications using an extremely high frequency (EHF) band. The standard shall be established not later than June 1, 1994.

SEC. 225. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

Subtitle C—Missile Defense Programs

SEC. 231. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1994.

(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 $2,638,992,000 may be obligated for programs managed by the Ballistic Missile Defense Organization.

(b) ALLOCATION TO PROGRAM ELEMENTS.—Of the amount specified in subsection (a)—

(1) not more than $1,450,992,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(2) not more than $650,000,000 shall be available for programs, projects, and activities within the Limited Defense System program element; and

(3) a total of not more $538,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element, including funding for the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(c) TRANSFER AUTHORITIES.—(1) Notwithstanding the limitations set forth in paragraphs (1) through (3) of subsection (b), the Secretary of Defense may transfer funds among the program elements managed by the Ballistic Missile Defense Organization. The total amount that may be transferred pursuant to the preceding sentence—

(A) from any program element named in subsection (b) may not exceed 10 percent of the amount specified for that program element in subsection (b); and

(B) to any program element named in subsection (b) may not result in an increase by more than 10 percent of the amount specified for that program element in that subsection.

(2) The authority under paragraph (1) may not be used to transfer funds from the Theater Missile Defense program element.

(3) The authority under paragraph (1) may not be used to transfer funds from the Limited Defense System program element to the program element for Research and Support Activities.

(4) Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

(d) LIMITATIONS.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program. Such funds may be obligated for the Brilliant Pebbles program only within the Research and Support Activities program element and in an amount not in excess of $35,000,000.

(e) REPORT ON ALLOCATION OF FUNDS.—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—

(1) shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization; and

(2) shall list each ballistic missile defense program, project, and activity under the appropriate program element.

SEC. 232. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out "while deploying" and inserting in lieu thereof "while developing, and maintaining the option to deploy,"; and

(B) in paragraph (3), by inserting ", as appropriate," before "to friends and allies of the United States".

(2) Section 232(b) is amended—

(A) in paragraph (1), by striking out "the Soviet Union" and inserting in lieu thereof "other nuclear weapons states"; and

(B) in paragraph (2)—

(i) by striking out "the Soviet Union" and inserting in lieu thereof "Russia"; and

(ii) by striking out "Treaty, to include the down-loading of multiple warhead ballistic missiles" and inserting in lieu thereof "Treaties, to include the down-loading of multiple warhead ballistic missiles, as appropriate".

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting "in compliance with the ABM Treaty, including any protocol or amendment thereto" after "for deployment";

(B) in paragraph (2), by striking out "develop for deployment" and inserting in lieu thereof "conduct a research and development program to develop and maintain the option to deploy"; and

(C) by striking out paragraph (3).

(4) Subsection (c) of section 233 is amended to read as follows:

"(c) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue immediate discussions with Russia and other successor states of the former Soviet Union, as appropriate, on the feasibility of, and mutual interest in, amendments to the ABM Treaty to permit—

"(1) clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors, radars, and other sensors; and

"(2) increased use of space-based sensors for direct battle management.".

(5) Section 235 is amended—

(A) in the section heading, by striking out **"STRATEGIC DEFENSE INITIATIVE"** and inserting in lieu thereof **"BALLISTIC MISSILE DEFENSE PROGRAM"**;

(B) in subsection (a)—

(i) by striking out "Strategic Defense Initiative" and inserting in lieu thereof "Ballistic Missile Defense program"; and

(ii) by striking out paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(C) in subsection (b), by striking out "Strategic Defense Initiative" and inserting in lieu thereof "Ballistic Missile Defense program".

(6) Section 236 is amended—

(A) in the section heading, by striking out "sdi" and inserting in lieu thereof "bmd";

(B) by striking out subsections (b) and (c); and

(C) by redesignating subsection (d) as subsection (b) and in paragraph (1) of that subsection by striking out "within the" and all that follows in that paragraph and inserting in lieu thereof "within the Limited Defense System program element.".

(7) Section 238 is amended by striking out "As deployment" and all that follows through "deployment date," and inserting in lieu thereof "Once development testing of components for a Limited Defense System has begun,".

SEC. 233. PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM.

(a) COMPETITION FOR MISSILE SELECTION.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of October 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability-3 (PAC-3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the weapon systems referred to in subsection (d), shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in October 1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability-3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

(c) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—If a decision is not made before February 28, 1994, to proceed into the Engineering and Manufacturing Development stage under a weapon system program referred to in subsection (d), 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.

(d) COVERED WEAPON SYSTEM PROGRAMS.—For purposes of subsections (a) and (c), 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. 234. COMPLIANCE OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS WITH ABM TREATY.

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

(1) 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) The Department of Defense has conducted no formal compliance review 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) The Department of Defense is continuing to obligate hundreds of millions of dollars for the development and testing of systems or components of ballistic missile defense systems before a determination has been made that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) The President requested the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iraq, Iran, and North Korea.

(6) Some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than the capabilities of missiles which were determined to be strategic missiles more than 20 years ago under the SALT I Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(7) 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 the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(8) 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) It is essential that the Secretary of Defense immediately undertake and complete a review for compliance with the ABM Treaty 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.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the current baseline configuration of each system or system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, or deployment of that system or system upgrade would be in compliance with the ABM Treaty, including the interpretation of the Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are the following:

(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.

(3) If during the course of the compliance review under paragraph (1) (or any other such compliance review of a ballistic missile system or system upgrade), an issue arises that appears to indicate that a 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, the Secretary of Defense shall immediately submit to the appropriate congressional committees a report on that issue.

(c) REPORT.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the appropriate congressional 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. For any system or system upgrade determined not to be in compliance with the ABM Treaty, the Secretary shall indicate (A) what changes to the ABM Treaty would be required for the system to be deemed compliant with such modified ABM Treaty, and (B) what changes to the performance capability of the system or system upgrade would be required in order for it to become compliant with the existing Treaty, together with the effect of those performance capability changes on the effectiveness of the planned missile defense architecture.

(2) With regard to the Brilliant Eyes space-based sensor system, the Secretary shall include in the report findings on each of the following issues:

(A) Whether the current baseline configuration of the Brilliant Eyes space-based sensor system would 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, whether design changes or operational changes can be made to the Brilliant Eyes space-based sensor system that—

(i) will result in the sensor system, when employed 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 sensor system from performing its strategic defense missions with a high degree of effectiveness.

(C) If not, whether the Brilliant Eyes space-based sensor system can 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, the extent to which deployment of the Brilliant Eyes space-based sensor system would enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively.

(d) LIMITATIONS ON FUNDING PENDING SUBMISSION OF REPORT.—(1) Not more than 50 percent of the funds reported pursuant to section 231(e) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) may be obligated for that system or system upgrade, or any of its components, until the Secretary completes the compliance review of such system or system upgrade required by subsection (b) and submits to the appropriate congressional committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c).

(2) Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(B) for the acquisition of any material or equipment (including long lead materials, components, piece parts, or test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(e) DEFINITIONS.—In this section:

(1) The term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the ABM Treaty and accompanied by an enclosure setting forth such interpretation.

(2) The term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

(3) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

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

SEC. 235. THEATER MISSILE DEFENSE MASTER PLAN.

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

(b) TMD MASTER PLAN.—The Secretary of Defense shall submit to Congress a report (which shall constitute the TMD master plan) containing a thorough and complete analysis of the future of theater missile defense programs. The report shall include the following:

(1) A description of the mission and scope of Theater Missile Defense.

(2) A description of the role of each of the Armed Forces in Theater Missile Defense.

(3) A description of how those roles interact and complement each other.

(4) 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.

(5) A detailed acquisition strategy which includes an analysis and comparison of the projected acquisition and life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each system).

(6) Specification of the baseline production rate for each year of the program through completion of procurement.

(7) An estimate of the unit cost and capabilities of each system.

(8) A description of plans for theater and tactical missile defense doctrine, training, tactics, and force structure.

(c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b)—

(1) a description of the current and projected testing program for Theater Missile Defense systems and major components; and

(2) an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Defense program will conform to all relevant arms control agreements. The report shall describe any potential noncompliance with any such agreement, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that agreement to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

(f) OBJECTIVES OF PLAN.—In preparing the master plan, the Secretary shall—

(1) seek to maximize the use of existing technologies (such as SM-2, 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).

(g) REVIEW AND REPORT ON DEPLOYMENT OF BALLISTIC MISSILE DEFENSES.—(1) The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, testing, and deployment of theater 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.

(2) In conducting the review, the Secretary shall obtain recommendations and advice from—

(A) the Defense Science Board;

(B) the faculty of the Industrial College of the Armed Forces; and

(C) federally funded research and development centers supporting the Office of the Secretary of Defense.

(3) Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on the Secretary's findings resulting from the review under paragraph (1), together with any recommendations of the Secretary for legislation. The Secretary shall submit the report in unclassified form, but may submit a classified version of the report if necessary to clarify any of the information in the findings or recommendations or any related information. The report may be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

SEC. 236. LIMITED DEFENSE SYSTEM DEVELOPMENT PLAN.

(a) REQUIREMENT FOR REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the development plan for a Limited Defense System covering the period of fiscal years 1994 through 1999.

(2) The report under paragraph (1) shall be submitted not later than May 30, 1994, and may be included in the next annual report on ballistic missile defenses submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

(b) ISSUES TO BE ADDRESSED IN REPORT.—The report under subsection (a) shall include discussion of the following matters:

(1) The proposed Limited Defense System architecture.

(2) The systems and components to be developed to implement that architecture.

(3) The extent to which those systems and components can be developed during the period referred to in subsection (a), assuming annual funding for the Limited Defense System averaging $600,000,000 per year.

(4) The additional funding required and the additional time required after fiscal year 1999 in order for initial deployment of a limited, ABM-Treaty-compliant capability at a single site to be implemented.

(5) The variations in both required funding and required time after fiscal year 1999 for the same initial deployment to be implemented—

(A) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages $750,000,000 per year; and

(B) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages $450,000,000 per year.

(6) The extent to which missile defense technologies and components that are developed for Theater Missile Defense systems to be deployed before fiscal year 2000 can reduce the development costs and lead-times for development and deployment of a Limited Defense System.

(7) The extent to which acquisition streamlining can be applied to the development of a Limited Defense System.

(8) The extent to which the testing and simulation infrastructure, the level of engineering and technical support, the extensive reliance on studies and analyses by contractors, and the substantial use of outside contractors for systems engineering and technical analysis which the Ballistic Missile Defense Organization has inherited from the Strategic Defense Initiative Organization can be reduced given the re-evaluation of the Ballistic Missile Defense program that has emerged from the Bottom-Up Review of the Secretary of Defense which was conducted during 1993.

(9) Such other matters as the Secretary considers important.

SEC. 237. THEATER AND LIMITED DEFENSE SYSTEM TESTING.

(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—Except for the acquisition of those production representative missiles required for the completion of developmental and operational testing, the Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone IIIA) acquisition stage until the Secretary certifies to the congressional defense committees that more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, have been conducted, the results of which demonstrate the achievement by the interceptors of the weapons systems performance goals specified in the system baseline document established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered engineering and manufacturing systems development. The live-fire tests demonstrating such results shall involve multiple interceptors and multiple targets in the presence of realistic countermeasures.

(b) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS OF LIMITED DEFENSE SYSTEM PROGRAM PROJECTS.—A developmental test may not be conducted under the Limited Defense System program element of the Ballistic Missile Defense Program until the Secretary of Defense reviews and approves (or approves with changes) the test plan for such developmental test.

(c) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (b) by a group composed of 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.

SEC. 238. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101–510 (104 Stat. 1515) and section 241(a) of Public Law 102–190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) PROGRAM GOAL.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) ARROW CONTINUING EXPERIMENTS.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program in an amount not to exceed $56,400,000.

(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate funds appropriated pursuant to section 201 in an amount not to exceed $25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) (other than as required to satisfy the conditions set forth in this paragraph) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

SEC. 239. REPORT ON ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) REPORT REQUIRED.—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the Arrow Tactical Anti-Missile program. The Secretary shall design the report to provide those committees with the information they need in order to perform their oversight function. The Secretary shall obtain the information for the report from actual program data to which the United States Government has access, to the extent possible, or, if necessary, from the best estimates available to the United States Government.

(b) CONTENT OF REPORT.—The report shall include (at a minimum) the following:

(1) The development and procurement schedules for the program.

(2) The estimated annual and 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) A detailed description of the contract types and cost estimating data for the program.

(5) An assessment of the performance of the Arrow interceptor and the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow interceptor and 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) FORM OF REPORT.—The Secretary shall submit the report in classified and unclassified versions.

(d) CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to endorse United States participation in any aspect of the Arrow program beyond the research and development programs authorized by law.

SEC. 240. TECHNICAL AMENDMENTS TO ANNUAL REPORT REQUIREMENT TO REFLECT CREATION OF BALLISTIC MISSILE DEFENSE ORGANIZATION.

Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

(3) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and

(4) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.".

SEC. 241. CLEMENTINE SATELLITE PROGRAM.

(a) FINDING.—The Congress finds that the program of the Ballistic Missile Defense Organization that is known as the "Clementine" program, consisting of a satellite space project that will, among other matters, provide valuable information about asteroids in the vicinity of Earth, represents an important opportunity for transfer of Department of Defense technology for civilian purposes and should be supported.

(b) CONGRESSIONAL VIEWS.—The Congress urges the Secretary of Defense—

(1) to identify an appropriate management structure within either the Advanced Research Projects Agency or one of the military departments to which the Clementine program and related programs of general applicability to civilian, commercial, and military space programs might be transferred; and

(2) to consider funding for the Clementine program to be a priority within whatever agency or department is identified as described in paragraph (1) and to provide funds for that program at an appropriate level.

SEC. 242. COOPERATION OF UNITED STATES ALLIES ON DEVELOPMENT OF TACTICAL AND THEATER MISSILE DEFENSES.

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

(1) Systems to provide effective defense against theater and tactical ballistic missiles that may be developed and deployed by the United States have the potential to make contributions to the national security interests of nations that are allies of the United States that would be equal to or greater than the contributions such systems would make to the national security interests of the United States.

(2) The cost of developing and deploying a broad spectrum of such systems will be several tens of billions of dollars.

(3) A truly cooperative multinational approach to the development and deployment of such systems could substantially reduce the financial burden of such an undertaking on any one country and would involve additional sources of technological expertise.

(4) While leaders of nations that are allies of the United States have stated an interest in becoming involved, or increasing involvement, in United States tactical missile defense programs, the governments of those nations are unlikely to support programs for theater missile defense development and deployment unless, at a minimum, they can participate in meaningful ways in the planning and execution of such programs, including active participation in research and development and production of the systems involved.

(5) Given the high cost of developing theater ballistic missile defense systems, the participation of United States allies in the efforts to develop tactical missile defenses would result in substantial savings to the United States.

(b) PLAN AND REPORTS.—(1) The Secretary of Defense shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the United States with theater missile defense programs of United States allies, with the goal of avoiding duplication of effort, increasing interoperability, and reducing costs. The plan shall set forth in detail any financial, in-kind, or other form of participation by each nation in cooperative efforts to plan, develop, produce, and deploy theater ballistic missile defenses for the mutual benefit of the countries involved.

(2) The Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall be submitted in both classified and unclassified versions, as appropriate, and may be submitted as a component of the next Theater Missile Defense Initiative report to Congress.

(3) The Secretary shall include in each annual Theater Missile Defense Initiative report to Congress a report on actions taken to implement the plan developed under paragraph (1). Each such report shall set forth the status of discussions between the United States and United States allies for the purposes stated in that paragraph and shall state the status of contributions by those allies to the Theater Missile Defense Cooperation Account, shown separately for each allied country covered by the plan.

(c) RESTRICTION ON FUNDS.—Of the total amount appropriated pursuant to authorizations in this Act for theater ballistic missile defense programs, not more than 80 percent may be obligated until—

(1) the report under subsection (b)(2) is submitted to Congress; and

(2) the President certifies in writing to Congress that representatives of the United States have formally submitted to each of the member nations of the North Atlantic Treaty Organization and to Japan, Israel, and South Korea a proposal concerning the matters described in the report.

The President may submit with such certification a report of similar formal contacts with any other country that the President considers appropriate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever the United States deploys theater ballistic missile defenses to protect another country, or the military forces of another country, that has not provided financial or in-kind support for development of theater ballistic missile defenses, the United States should consider whether it is appropriate to seek reimbursement from that country to cover at least the incremental cost to the United States of such deployment.

(e) ALLIED PARTICIPATION IN TMD PROGRAMS.—Congress encourages allies of the United States, and particularly those allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States. Congress also encourages participation by the United States in cooperative theater missile defense efforts of allied nations as such programs emerge.

(f) FUND FOR ALLIED CONTRIBUTIONS.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account

"(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

"(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the 'Theater Missile Defense Cooperation Account'.

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense.

"(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.

"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(f) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.".

SEC. 243. TRANSFER OF FOLLOW-ON TECHNOLOGY PROGRAMS.

(a) MANAGEMENT RESPONSIBILITY.—Except as provided in subsection (b), the Secretary of Defense shall provide that management and budget responsibility for research and development of any program, project, or activity to develop far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.

(b) WAIVER AUTHORITY.—The Secretary may waive the provisions of subsection (a) in the case of a particular program, project, or activity if the Secretary certifies to the congressional defense committees that it is in the national security interest of the United States to provide management and budget responsibility for that program, project, or

activity through the Ballistic Missile Defense Organization.

(c) REPORT REQUIRED.—As a part of the report required by section 231(e), the Secretary shall submit to the congressional defense committees a report identifying—

(1) each program, project, and activity with respect to which the Secretary has transferred management and budget responsibility from the Ballistic Missile Defense Organization in accordance with subsection (a);

(2) the agency or military department to which each such transfer was made; and

(3) the date on which each such transfer was made.

(d) DEFINITION.—For the purposes of this section, the term "far-term follow-on technology" means a technology that is not incorporated into a ballistic missile defense architecture and is not likely to be incorporated within 15 years into a weapon system for ballistic missile defense.

(e) CONFORMING AMENDMENT.—Section 234 of the Missile Defense Act of 1991 is repealed.

Subtitle D—Women's Health Research

SEC. 251. DEFENSE WOMEN'S HEALTH RESEARCH CENTER.

(a) AUTHORITY TO ESTABLISH CENTER.—The Secretary of Defense may establish a Defense Women's Health Research Center (hereinafter in this section referred to as the 'Center') at an existing Department of Defense medical center to serve as the coordinating agent for multidisciplinary and multi-institutional research within the Department of Defense on women's health issues related to service in the Armed Forces. The Secretary shall determine whether or not to establish the Center not later than May 1, 1994. If established, the Center shall also coordinate with research supported by the Department of Health and Human Services and other agencies that is aimed at improving the health of women.

(b) SUPPORT OF RESEARCH.—The Center shall support health research into matters relating to the service of women in the military, including the following matters:

(1) Combat stress and trauma.

(2) Exposure to toxins and other environmental hazards associated with military equipment.

(3) Psychology related stress in warfare situations.

(4) Mental health, including post-traumatic stress disorder and depression.

(5) Human factor studies related to women in combat areas.

(c) COMPETITION REQUIREMENT RELATING TO ESTABLISHMENT OF CENTER.—The Center may be established only pursuant to a competition among existing Department of Defense medical centers.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall prepare a plan for the implementation of subsection (a). The plan shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994.

(e) ACTIVITIES FOR FISCAL YEAR 1994.—During fiscal year 1994, the Center may address the following:

(1) Program planning, infrastructure development, baseline information gathering, technology infusion, and connectivity.

(2) Management and technical staffing.

(3) Data base development of health issues related to service by women on active duty as compared to service by women in the National Guard or Reserves.

(4) Research protocols, cohort development, health surveillance, and epidemiologic studies, to be developed in coordination with the Centers for Disease Control and the National Institutes of Health whenever possible.

(f) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, $20,000,000 shall be available for the establishment of the Center or for medical research at existing Department of Defense medical centers into matters relating to service by women in the military.

(g) REPORT.—(1) If the Secretary of Defense determines not to establish a women's health center under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than May 1, 1994, a report on the plans of the Secretary for the use of the funds described in subsection (f).

(2) If the Secretary determines to establish the Center, the Secretary shall, not less than 60 days before the establishment of the Center, submit to those committees a report describing the planned location for the Center and the competitive process used in the selection of that location.

SEC. 252. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.

(a) GENERAL RULE.—In conducting or supporting clinical research, the Secretary of Defense shall ensure that—

(1) women who are members of the Armed Forces are included as subjects in each project of such research; and

(2) members of minority groups who are members of the Armed Forces are included as subjects of such research.

(b) WAIVER AUTHORITY.—The requirement in subsection (a) regarding women and members of minority groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

(1) is inappropriate with respect to the health of the subjects;

(2) is inappropriate with respect to the purpose of the research; or

(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

(c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

Subtitle E—Other Matters

SEC. 261. NUCLEAR WEAPONS EFFECTS TESTING BY DEPARTMENT OF DEFENSE.

(a) LIMITATION ON OBLIGATION OF FUNDS.—The Secretary of Defense may not obligate funds in preparation for any activity of the Department of Defense, including the so-called "Mighty Uncle" test, to study the effects of a nuclear weapon explosion through underground nuclear weapons testing unless that test is permitted in accordance with the provisions of section 507 of Public Law 102-377 (106 Stat. 1343).

(b) CERTAIN ACTIONS NOT PROHIBITED.—Subsection (a) does not preclude the Secretary of Defense, acting through the Director of the Defense Nuclear Agency, from—

(1) proceeding with underground nuclear test tunnel deactivation and environmental cleanup; or

(2) expending funds for infrastructure activities not covered by the limitation in subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 for Defense-wide activities, not more than $38,000,000 may be used for activities described in subsection (b).

SEC. 262. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY 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) is amended by striking out "fiscal years 1994 through 1997" and inserting in lieu thereof "fiscal years 1995 through 1999".

SEC. 263. TERMINATION, REESTABLISHMENT, AND RECONSTITUTION OF AN ADVISORY COUNCIL ON SEMICONDUCTOR TECHNOLOGY.

(a) TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH.—The advisory council known as 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 the following:

"(A) To link assessment by the semiconductor industry of future market and national security needs to opportunities for technology development through cooperative public and private investment.

"(B) To seek ways to respond to the technology challenges for semiconductors by fostering precompetitive cooperation among industry, the Federal Government, and institutions of higher education.

"(C) 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 industry and government contributions to semiconductor research and development.

"(2) The Council shall carry out the following functions:

"(A) Advise Sematech and the Secretary of Defense on appropriate technology goals and appropriate level of effort for the research and development activities of Sematech.

"(B) Review the emerging markets, technology developments, and core technology challenges for semiconductor research and development and semiconductor manufacturing and explore opportunities for improved coordination among industry, the Federal Government, and institutions of higher education regarding such developments and challenges.

"(C) Assess the effect on the appropriate role of Sematech of public and private sector international agreements in semiconductor research and development.

"(D) Exchange views regarding the competitiveness of United States semiconductor technology and new or emerging semiconductor technologies that could affect national economic and security interests.

69-059 O—97 Vol. 139 (Pt. 20) 10

"(E) Exchange and update information and identify overlaps and gaps regarding the efforts of industry, the Federal Government, and institutions of higher education in semiconductor research and development.

"(F) Assess technology progress relative to industry requirements and Federal Government requirements, responding as appropriate to the challenges in the national semiconductor technology roadmap developed by representatives of industry, the Federal Government, and institutions of higher education.

"(G) Make recommendations regarding the semiconductor technology development efforts that should be supported by Federal agencies and industry.

"(H) Appoint subgroups as appropriate in connection with the updating of the semiconductor technology roadmap.

"(I) Publish an annual report addressing the semiconductor technology challenges and developments for industry, government, and institutions of higher education and the relationship among the challenges and developments for each, including an evaluation of the role of Sematech.

"(c) MEMBERSHIP.—The Council shall be composed of 16 members as follows:

"(1) The Under Secretary of Defense for Acquisition and Technology, 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) Ten 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) Three individuals who are eminent in the semiconductor user industry, including representatives from the telecommunications and computer industries.

"(D) One individual who is eminent in an academic institution.".

(c) CONFORMING AMENDMENTS.—Part F of title II of such Act (15 U.S.C. 4601 et seq.) is amended as follows:

(1) Section 271(c)(1) (15 U.S.C. 4601(c)(1)) is amended by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council".

(2) Section 272(b)(1)(B) (15 U.S.C. 4602(b)(1)(B)) is amended by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council".

(3) Section 273 (15 U.S.C. 4603) is amended—

(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 "five 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 "Eleven members".

(d) AUTHORITY TO CALL MEETINGS.—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 further amended by adding at the end the following new subsection:

"(j) SUPPORT FOR COUNCIL.—The Council shall use Federal funds made available to 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) REFERENCES TO TERMINATED 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. 264. NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

Amounts authorized to be appropriated pursuant to section 201 for the Navy shall be available to the Secretary of the Navy for the acquisition of real property under section 2819 of this Act (related to the Navy Large Cavitation Channel, Memphis, Tennessee).

SEC. 265. 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. 266. REPEAL OF REQUIREMENT FOR STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT.

Section 802(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.

SEC. 267. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study of cryptographic technologies and national cryptography policy.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study shall assess—

(1) the effect of cryptographic technologies on—

(A) national security interests of the United States Government;

(B) law enforcement interests of the United States Government;

(C) commercial interests of United States industry; and

(D) privacy interests of United States citizens; and

(2) the effect on commercial interests of United States industry of export controls on cryptographic technologies.

(c) INTERAGENCY COOPERATION WITH STUDY.—The Secretary of Defense shall direct the National Security Agency, the Advanced Research Projects Agency, and other appropriate agencies of the Department of Defense to cooperate fully with the National Research Council in its activities in carrying out the study under this section. The Secretary shall request all other appropriate Federal departments and agencies to provide similar cooperation to the National Research Council.

(d) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense-wide activities, $800,000 shall be available for the study under this section.

(e) REPORT.—(1) The National Research Council shall complete the study and submit to the Secretary of Defense a report on the study within approximately two years after full processing of security clearances under subsection (f). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures.

(2) The Secretary shall submit the report to the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate and to the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives not later than 120 days after the day on which the report is submitted to the Secretary. The report shall be submitted to those committees in unclassified form, with classified annexes as necessary.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

SEC. 268. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH AND DEVELOPMENT CATEGORIES.

(a) RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense to be responsible for conducting an annual review of program elements for proper categorization to the research and development categories of the Department of Defense designated as 6.1, 6.2, 6.3, 6.4, 6.5, and 6.6.

(b) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of the general content of the research and development categories specified in subsection (a), including a review of the criteria for assigning programs to those categories. The review shall examine the assignment of current programs to those categories for the purpose of ensuring that those programs are correctly categorized and assigned program element numbers in accordance with existing Department of Defense policy.

(c) REPORT.—The Secretary shall include with the budget justification materials for fiscal year 1995 submitted to Congress by the Secretary in support of the President's budget for that year a report on the implementation of this section. The report—

(1) shall specify the official designated under subsection (a); and

(2) shall include a certification (or an explanation of why the Secretary cannot certify) that current research and development programs are correctly categorized as described in subsection (b).

SEC. 269. AUTHORIZED USE FOR FACILITY CONSTRUCTED WITH PRIOR DEFENSE GRANT FUNDS.

The plasma arc facilities constructed using funds provided under grants made to the South Carolina Research Authority from amounts appropriated in the Department of Defense Appropriations Act, 1988 (Public Law 100-463), and the Department of Defense Appropriations Act, 1991 (Public Law 101-511), may be equipped and operated as prototype materials processing facilities.

SEC. 270. GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY 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 hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Reports indicate that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to hazardous agents, including chemical warfare agents, biotoxins, and other substances during such service.

(3) 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) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—The Secretary of Defense is authorized to make a grant in the amount of $1,200,000 to a medical research institution for the purpose of constructing and equipping a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(c) FUNDING SOURCE.—Funds for the grant under subsection (b) shall be made from amount appropriated to the Department of Defense for fiscal year 1994 for research, development, test, and evaluation.

(d) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (b), an institution must meet each of the following requirements:

(1) Be affiliated with an accredited hospital and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical facilities and other relevant Federal personnel may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(e) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (b) any information possessed by that element on 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. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(f) REPORTS TO CONGRESS.—Not later than October 1, 1994, and annually thereafter for the period that research described in subsection (b) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

SEC. 271. RESEARCH ON EXPOSURE TO DEPLETED URANIUM BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) GRANT TO SUPPORT RESEARCH ON THE EFFECTS OF DEPLETED URANIUM.—From the funds appropriated or otherwise made available in fiscal year 1994 for research, development, test, and evaluation for the Department of Defense, the Secretary of Defense is authorized to make a competitive award of a grant in the amount of $1,700,000 to a medical research institution for the purpose of studying the possible health effects of battlefield exposure to depleted uranium, including exposure through ingestion, inhalation, or bodily injury. The selection of the institution to which the grant is awarded shall be made in accordance with established defense acquisition procedures.

(b) RESEARCH PROGRAM.—The research to be conducted at the facility for which a grant is made under subsection (a) shall explore the possible short-term and long-term health effects of exposure to depleted uranium, including exposure through ingestion, inhalation, or bodily injury, and the individual susceptibility of service personnel to such exposure. Such research shall focus on (but not be limited to) persons who may have been exposed to depleted uranium while serving on active duty in the theater of operations during the Persian Gulf War. The specific objectives of the study shall include investigation of the pathology of depleted uranium fragments under controlled conditions, including—

(1) assessment of the toxico-kinetic properties of the various chemical forms of depleted uranium that could be inhaled, ingested, or imbedded;

(2) examination of whether there are depleted uranium cancer induction mechanisms similar to those observed in Thorotrast-specific liver cancers;

(3) determination of whether the radiogenic effects described in paragraphs (1) and (2) occur and, if so, at what fragment densities and latent periods;

(4) assessment of long-term, low-dose-rate irradiation of specific tissues, such as those of the nervous system;

(5) determination of the potential for chronic nephrotoxicity as a function of the organ exposed to depleted uranium; and

(6) conduct of pathological studies of tissue surrounding depleted uranium particles.

(c) REPORTS TO CONGRESS.—Not later than October 1, 1994, and annually thereafter for the period that research described in subsection (a) is being carried out under the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results of such research during the year preceding the report.

SEC. 272. SENSE OF CONGRESS ON METALCASTING AND CERAMIC SEMICONDUCTOR PACKAGE INDUSTRIES.

(a) METALCASTING INDUSTRY.—It is the sense of Congress that—

(1) the health and viability of the metalcasting industry of the United States are at serious risk; and

(2) the Secretary of Defense should seriously consider providing funds, from the funds made available pursuant to section 201, for research and development activities of the metalcasting industry, 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.

(b) CERAMIC SEMICONDUCTOR PACKAGE INDUSTRY.—It is the sense of Congress that—

(1) the health and viability of the ceramic semiconductor package industry of the United States are at serious risk, as demonstrated by the action plan relating to the ceramic semiconductor package industry issued by the Secretary of Commerce on August 15, 1993;

(2) advanced ceramic semiconductor packages are critical components under section 107 of the Defense Production Act (50 U.S.C. App. 2077);

(3) the technologies used in producing ceramic and advanced ceramic semiconductor packages are dual-use technologies; and

(4) the Secretary of Defense should provide funds for support of the domestic ceramic semiconductor package industry through the following types of activities:

(A) Research and development.

(B) Procurement by the Department of Defense of ceramic semiconductor packages made in the United States.

(C) Assistance to the industry in meeting qualification specifications of the Department of Defense for procurement solicitations.

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, $15,907,246,000.
(2) For the Navy, $20,076,440,000.
(3) For the Marine Corps, $1,860,056,000.
(4) For the Air Force, $19,330,109,000.
(5) For Defense-wide activities, $9,235,461,000.
(6) For Medical Programs, Defense, $9,379,447,000.
(7) For the Army Reserve, $1,095,590,000.
(8) For the Naval Reserve, $772,706,000.
(9) For the Marine Corps Reserve, $82,950,000.
(10) For the Air Force Reserve, $1,346,292,000.
(11) For the Army National Guard, $2,216,544,000.
(12) For the Air National Guard, $2,639,204,000.
(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.
(14) For the Defense Inspector General, $161,001,000.
(15) For Drug Interdiction and Counterdrug Activities, Defense-wide, $868,200,000.
(16) For the Court of Military Appeals, $6,055,000.
(17) For Environmental Restoration, Defense, $1,962,400,000.
(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.

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 providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $1,116,095,000.
(2) For the National Defense Sealift Fund, $290,800,000.

SEC. 303. 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. 304. 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. 305. TRANSFER FROM NATIONAL DEFENSE STOCKPILE FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $500,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts 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.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1101.

SEC. 306. FUNDS FOR CLEARING LANDMINES.

(a) LIMITATION.—Of the funds authorized to be appropriated in section 301, not more than $10,000,000 shall be available 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.

(b) REPORT.—Not later than 90 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 implementation of subsection (a). The report shall specify the following:

(1) The amount of the funds made available under subsection (a) that are to be expended.
(2) The purposes for which the funds are to be expended.
(3) The location of the landmine clearing activity.
(4) Any use of United States military personnel or employees of the Department of Defense in the activity.
(5) Any use of non-Federal Government organizations in the activity.
(6) The relationship between the activity and the missions of the Department of Defense.

Subtitle B—Limitations

SEC. 311. PROHIBITION ON OPERATION OF NAVAL AIR STATION, BERMUDA.

(a) PROHIBITION.—No funds available to the Department of Defense for operation and maintenance may be used to operate Naval Air Station, Bermuda after September 1, 1995.

(b) REPORT.—Not later than March 1, 1994, the Secretary of Defense shall submit to the Congress a report that contains a plan for the termination of the operation of Naval Air Station, Bermuda.

(c) OPERATION ON REIMBURSABLE BASIS.—The Secretary of Defense may provide support for airfield operations at Naval Air Station, Bermuda after September 1, 1995, except that any such support shall be provided only on a reimbursable basis.

SEC. 312. LIMITATION ON THE USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2246. Department of Defense golf courses: limitation on use of appropriated funds

"(a) LIMITATION.—Except as provided in subsection (b), funds appropriated to the Department of Defense may not be used to equip, operate, or maintain a golf course at a facility or installation of the Department of Defense.

"(b) EXCEPTIONS.—(1) Subsection (a) does not apply to a golf course at a facility or installation outside the United States or at a facility or installation inside the United States at a location designated by the Secretary of Defense as a remote and isolated location.

"(2) The Secretary of Defense shall prescribe regulations governing the use of appropriated funds under this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2246. Department of Defense golf courses: limitation on use of appropriated funds.".

SEC. 313. PROHIBITION ON THE USE OF CERTAIN COST COMPARISON STUDIES.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not, during the period beginning on the date of the enactment of this Act and ending on April 1, 1994, enter into a contract for the performance of a commercial activity if the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) does not apply to—

(1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would otherwise have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

SEC. 314. LIMITATION ON CONTRACTS WITH CERTAIN SHIP REPAIR COMPANIES FOR SHIP REPAIR.

(a) LIMITATION.—The Secretary of the Navy may not enter into a contract having a value greater than $250,000 with a ship repair company referred to in subsection (b) for the overhaul, repair, or maintenance of a naval vessel until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives the certification referred to in subsection (c).

(b) COVERED SHIP REPAIR COMPANY.—A ship repair company referred to in subsection (a) is a ship repair company located outside the United States that was the subject of a court inquiry into fatalities resulting from ship repairs performed by that company in fiscal year 1990, 1991, 1992, or 1993.

(c) CERTIFICATION.—The certification referred to in subsection (a) is a certification that a ship repair company referred to in subsection (b) has initiated legal proceedings, or other proceedings, to compensate the survivors of each member of the Navy killed as a result of faulty ship repair performed by that company during a fiscal year referred to in such subsection.

(d) WAIVER.—A contract referred to in subsection (a) may be entered into pursuant to a waiver of the limitation in such subsection only after the Secretary of the Navy submits to the Committees on Armed Services of the Senate and House of Representatives a certification that—

(1) the work is for voyage repairs; or
(2) there is a compelling national security reason for the work to be done by the ship repair company.

SEC. 315. REQUIREMENT OF PERFORMANCE IN THE UNITED STATES OF CERTAIN REFLAGGING OR REPAIR WORK.

(a) REQUIREMENT.—Section 2631 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Only vessels"; and
(2) by adding at the end the following new subsection:

"(b)(1) In each request for proposals to enter into a time-charter contract for the use of a vessel for the transportation of supplies under this section, the Secretary of Defense shall require that any reflagging or repair work on a vessel for which a proposal is submitted in response to the request for proposals be performed in the United States (including any territory of the United States).

"(2) In paragraph (1), the term 'reflagging or repair work' means work performed on a vessel—

"(A) to enable the vessel to meet applicable standards to become a vessel of the United States; or

"(B) to convert the vessel to a more useful military configuration.

"(3) The Secretary of Defense may waive the requirement described in paragraph (1) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such waiver and the reasons for such waiver.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a vessel for which reflagging or repair work is necessary to be performed after the date of the enactment of this Act.

SEC. 316. PROHIBITION ON JOINT CIVIL AVIATION USE OF SELFRIDGE AIR NATIONAL GUARD BASE, MICHIGAN.

The Secretary of the Air Force may not enter into any agreement that would provide for or permit civil aircraft to regularly use Selfridge Air National Guard Base, Michigan.

SEC. 317. LOCATION OF CERTAIN PREPOSITIONING FACILITIES.

(a) SITE FOR ARMY PREPOSITIONING MAINTENANCE FACILITY.—The Secretary of the Army shall establish the Army Prepositioning Maintenance Facility at Charleston, South Carolina.

(b) LIMITATION.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall ensure that separate but complementary prepositioning facilities are maintained in Charleston, South Carolina, and Blount Island, Jacksonville, Florida, for the Army and Marine Corps, respectively.

(c) REPORT BEFORE SUBSEQUENT RELOCATION.—After the end of such two-year period, the Secretary of the Navy may not relocate the Marine Prepositioning Forces from Blount Island, Jacksonville, Florida, until the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and House of Representatives a detailed cost analysis and operational analysis explaining the basis of the decision for such relocation.

Subtitle C—Defense Business Operations Fund

SEC. 331. 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 (10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "December 31, 1994".

SEC. 332. IMPLEMENTATION OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (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), (e), and (f):

"(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 Secretary will take to improve the implementation and operation of the Defense Business Operations Fund.

"(2)(A) The plan shall 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 shall 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 cash management and 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 congressional defense committees a report on the progress made in implementing the comprehensive management plan required by subsection (d). The report shall 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 the Secretary submits the report to the congressional defense committees.

"(f) RESPONSIBILITIES OF THE COMPTROLLER GENERAL.—(1) The Comptroller General 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 congressional defense committees 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 the congressional defense committees 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. 333. CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE DEFENSE BUSINESS OPERATIONS FUND.

(a) IN GENERAL.—Charges for goods and services provided through the Defense Business Operations Fund—

(1) shall include amounts necessary to recover the full costs of—

(A) the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense; and

(B) the use of military personnel in the provision of the goods and services, as computed by calculating, to the maximum extent practicable, such costs if employees of the Department of Defense were used in the provision of the goods and services; and

(2) shall not include amounts necessary to recover the costs of a military construction project (as such term is defined in section 2801(b) of title 10, United States Code), other than a minor construction project financed by the Defense Business Operations Fund pursuant to section 2805(c)(1) of such title.

(b) DEFENSE FINANCE ACCOUNTING SERVICES.—The full cost of the operation of the Defense Finance Accounting Service shall be financed within the Defense Business Operations Fund through charges for goods and services provided through the Fund.

(c) MODIFICATION OF CAPITAL ASSET SUBACCOUNT.—Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2208 note) is amended—

(1) in subsection (a), by striking out the third sentence;

(2) in subsection (b), by striking out ", to the extent provided for in appropriations Acts"; and

(3) in subsection (d), by striking out ", during fiscal year 1993 and until April 15, 1994,".

SEC. 334. 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 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 spare parts in support of repair, direct vendor deliveries, foreign military sales, initial outfitting requiring equipment furnished by the Federal Government, 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 D—Depot-Level Activities

SEC. 341. DEPARTMENT OF DEFENSE DEPOT TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a task force to assess the overall performance and management of depot-level activities of the Department of Defense. The assessment shall include the following:

(1) The identification of the depot-level maintenance workloads that were performed during each of fiscal years 1990 through 1993 for the military departments and the Defense Agencies by employees of the Department of Defense and by non-Federal Government personnel.

(2) An estimate of the current capacity to carry out the performance of depot-level maintenance workloads by employees of the Department of Defense and by non-Federal Government personnel.

(3) An identification of the rationale used by the Department of Defense to support a decision to provide for the performance of a depot-level maintenance workload by employees of the Department of Defense or by non-Federal Government personnel.

(4) An evaluation of the cost, manner, and quality of performance of the depot-level maintenance workload by employees of the

Department of Defense and by non-Federal Government personnel.

(5) An evaluation of the manner of determining the core workload requirements for depot-level maintenance workloads performed by employees of the Department of Defense.

(6) A comparison of the methods by which the rates and prices for depot-level maintenance workloads performed by employees of the Department of Defense are determined with the methods by which such rates and prices are determined for depot-level maintenance workloads performed by non-Federal Government personnel.

(7) A discussion of the issues involved in determining the balance between the amount of depot-level maintenance workloads assigned for performance by employees of the Department of Defense and the amount of depot-level maintenance workloads assigned for performance by non-Federal Government personnel, including the preservation of surge capabilities and essential industrial base capabilities needed in the event of mobilization.

(8) An identification of the depot-level functions and activities that are suitable for performance by employees of the Department of Defense and the depot-level functions and activities that are suitable for performance by non-Federal Government personnel.

(9) An identification of the management and organizational structure of the Department of Defense necessary for the Department to provide the optimal management of depot-level maintenance and the allocation of related resources.

(b) MEMBERSHIP.—The task force established pursuant to subsection (a) shall be composed of individuals from the Department of Defense and the private sector who—

(1) have expertise in the management of depot-level activities;

(2) have expertise in acquisition;

(3) have expertise in the management of relevant items and weapon systems; and

(4) are or have been users of depot-level maintenance products produced by employees of the Department of Defense and by non-Federal Government personnel.

(c) PAY AND TRAVEL EXPENSES.—(1) Except as provided in paragraph (3), each member of the task force shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the task force.

(2) Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) Except as provided in paragraph (2), a member of the task force who is an employee of the Department of Defense or a member of the Armed Forces may not receive additional pay, allowances, or benefits by reason of such individual's service on the task force.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall provide the task force with the administrative, professional, and technical support required by the task force to carry out its duties under this section.

(e) REPORT.—Not later than April 1, 1994, the task force shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment conducted under subsection (a) and the recommendations of the task force for any legislative and administrative action the task force considers to be appropriate.

(f) TERMINATION.—The task force shall terminate not later than 60 days after submitting its report pursuant to subsection (e).

SEC. 342. LIMITATION ON CONSOLIDATION OF MANAGEMENT OF DEPOT-LEVEL MAINTENANCE WORKLOAD.

The Secretary of Defense may not, during fiscal year 1994, consolidate the management of the depot-level maintenance workload of the Department of Defense under a single Defense-wide entity.

SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

The Secretary of Defense shall ensure that the percentage limitations applicable to the depot-level maintenance workload performed by non-Federal Government personnel set forth in section 2466 of title 10, United States Code, are adhered to.

SEC. 344. SENSE OF CONGRESS ON THE PERFORMANCE OF CERTAIN DEPOT-LEVEL WORK BY FOREIGN CONTRACTORS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense should not contract for the performance by a person or organization described in subsection (b) of any depot-level maintenance work on equipment located in the United States if the Secretary determines that the work could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the Armed Forces.

(b) COVERED PERSONS AND ORGANIZATIONS.—A person or organization referred to in subsection (a) is a person or organization which is not part of the national technology and industrial base, as such term is defined in section 2491(1) of title 10, United States Code.

SEC. 345. SENSE OF CONGRESS ON THE ROLE OF DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

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

(1) The depot-level maintenance and repair activities of the Department of Defense provide the Armed Forces with a critical capacity to respond to the needs of the Armed Forces for depot-level maintenance and repair of weapon systems and equipment.

(2) The depot-level maintenance and repair activities of the Department of Defense provide the Department with capabilities that are uniquely suited to responding to the increased need for repair and maintenance of weapon systems and equipment which may arise in times of national crisis.

(3) The skilled employees and equipment of the depot-level maintenance and repair activities of the Department of Defense are an essential component of the overall defense industrial base of the United States.

(4) The critical role of the depot-level maintenance and repair activities of the Department of Defense is recognized in section 2466 of title 10, United States Code, which provides that the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may not contract for the performance by non-Federal Government personnel of more than 40 percent of the depot-level maintenance workload for the military department or the Defense Agency.

(5) Maintenance of this critical industrial capability in the Department of Defense requires that an appropriate level of the depot-level maintenance and repair of new weapon systems be assigned to depot-level maintenance and repair activities of the Department of Defense.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, in order to maintain the critical depot-level maintenance and repair capability for military weapon systems and equipment, the Secretary of Defense shall, to the maximum extent practicable, ensure that a sufficient amount of the depot-level maintenance and repair of new weapon systems and equipment is assigned to depot-level maintenance and repair activities of the Department of Defense, consistent with the requirements of section 2466 of title 10, United States Code.

SEC. 346. 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.—The use of Office of Management and Budget Circular A-76 shall not apply to a performance change under subsection (a).".

SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE UNITED STATES.

(a) DESCRIPTION OF CLAIMS INVOLVED.—This section applies with respect to any claim of the United States against an individual which relates to a bonus or other payment awarded to such individual under a productivity gainsharing program based on work performed by such individual as an employee of Naval Aviation Depot, Norfolk, Virginia, or as an employee of Naval Aviation Depot, Jacksonville, Florida, after September 30, 1988, and before October 1, 1992.

(b) WAIVER AUTHORITY AVAILABLE WITHOUT REGARD TO AMOUNT INVOLVED.—Notwithstanding the limitation set forth in section 2774(a)(2)(A) of title 10, United States Code, any waiver authority under section 2774(a)(2) of such title may be exercised, with respect to any claim described in subsection (a) of this section, without regard to the amount involved.

(c) REPORT.—Not later than March 1, 1994, the Secretary of the Navy shall submit to the congressional defense committees a report that specifies—

(1) the circumstances under which each overpayment of a bonus or other payment referred to in subsection (a) was made;

(2) the number of individuals to whom such an overpayment was made;

(3) the total amount of such overpayments; and

(4) any action planned or initiated by the Secretary to prevent the occurrence of similar overpayments in the future.

(d) DEFINITION.—In this section, the term "productivity gainsharing program" means a productivity gainsharing program established under chapter 45 or section 5407 of title 5, United States Code, or Executive Order No. 12637 (31 U.S.C. 501 note).

Subtitle E—Commissaries and Military Exchanges

SEC. 351. PROHIBITION ON OPERATION OF COMMISSARY STORES BY ACTIVE DUTY MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§ 977. Operation of commissary stores: assignment of active duty members generally prohibited

"(a) GENERAL RULE.—A member of the armed forces on active duty may not be assigned to the operation of a commissary store.

"(b) EXCEPTION FOR DCA DIRECTOR.—The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

"(c) EXCEPTION FOR CERTAIN ADDITIONAL MEMBERS.—Beginning on October 1, 1996, not more than 18 members (in addition to the officer referred to in subsection (b)) of the armed forces on active duty may be assigned to the Defense Commissary Agency. Members who may be assigned under this subsection to regional headquarters of the agency shall be limited to enlisted members assigned to duty as advisors in the regional headquarters responsible for overseas commissaries and to veterinary specialists.

"(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—(1) The Secretary of the Navy may assign to the Defense Commissary Agency a member of the Navy on active duty whose assignment afloat is part of the operation of a ship's food service or a ship's store. Any such assignment shall be on a nonreimbursable basis.

"(2) The number of such members assigned to the Defense Commissary Agency during any period before October 1, 1996, may not exceed the number of such members so assigned on October 1, 1993. After September 30, 1996, the number of such members so assigned may not exceed the lesser of (A) the number of members so assigned on October 1, 1993, and (B) 400.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 976 the following new item:

"977. Operation of commissary stores: assignment of active duty members generally prohibited.".

SEC. 352. MODERNIZATION OF AUTOMATED DATA PROCESSING CAPABILITY OF THE DEFENSE COMMISSARY AGENCY.

In order to perform inside the Defense Commissary Agency all automated data processing functions of the Agency as soon as possible, the Secretary of Defense shall, consistent with other applicable law, take any action necessary to expedite the modernization of the automated data processing capability of the Agency, including the adoption of the use of commercial grocery industry practices and financial management programs with respect to such processing.

SEC. 353. OPERATION OF STARS AND STRIPES BOOKSTORES OVERSEAS BY THE MILITARY EXCHANGES.

(a) REQUIREMENT.—The Secretary of Defense shall provide for the commencement, not later than October 1, 1994, of the operation of Stars and Stripes bookstores outside of the United States by the military exchanges.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subsection (a).

SEC. 354. AVAILABILITY OF FUNDS FOR RELOCATION EXPENSES OF THE NAVY EXCHANGE SERVICE COMMAND.

Of funds authorized to be appropriated under section 301(2), not more than $10,000,000 shall be available to provide for the payment of expenses incurred by the Navy Exchange Service Command to relocate functions and activities from Naval Station, Staten Island, New York, to Norfolk, Virginia.

Subtitle F—Other Matters

SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 127 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", the Inspector General of the Department of Defense," after "the Secretary of Defense";

(B) in the second sentence, by inserting "or the Inspector General" after "the Secretary concerned"; and

(C) in the third sentence, by inserting "or the Inspector General" after "The Secretary concerned";

(2) in subsection (b), by inserting ", by the Inspector General to any person in the Office of the Inspector General," after "the Department of Defense"; and

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following new paragraph:

"(2) The amount of funds expended by the Inspector General of the Department of Defense under subsections (a) and (b) during a fiscal year may not exceed $400,000.".

SEC. 362. AUTHORITY FOR CIVILIAN EMPLOYEES OF THE ARMY TO ACT ON REPORTS OF SURVEY.

Section 4835 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or any civilian employee of the Department of the Army" after "any officer of the Army"; and

(2) in subsection (b), by striking out "an officer of the Army designated by him." and inserting in lieu thereof "the Secretary's designee. The Secretary may designate officers of the Army or civilian employees of the Department of the Army to approve such action.".

SEC. 363. EXTENSION OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "during fiscal year 1993" and inserting in lieu thereof "during a fiscal year"; and

(2) in subsection (b), by striking out "for fiscal year 1993".

(b) UPDATE OF MASTER PLAN.—Section 1597(c) of such title is amended—

(1) in paragraph (1), by striking out "for fiscal year 1994" and inserting in lieu thereof "for each fiscal year";

(2) in subparagraph (A) of paragraph (3), by adding at the end the following new clause:

"(vii) The total number of individuals employed by contractors and subcontractors of the Department of Defense under a contract or subcontract entered into pursuant to Office of Management and Budget Circular A-76 to perform commercial activities for the Department of Defense, a military department, a defense agency, or other component."; and

(3) by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall include in the materials referred to in paragraph (1) a report on the implementation of the master plan for the fiscal year immediately preceding the fiscal year for which such materials are submitted.".

SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.

Paragraph (1) of section 3401(a) of title 39, United States Code, is amended—

(1) in the matter before subparagraph (A)—

(A) by inserting "an individual who is" before "a member"; and

(B) by inserting "or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander," after "section 101 of title 10,"; and

(2) in subparagraphs (A) and (B), by striking "the member" and inserting "such individual".

SEC. 365. EXTENSION AND MODIFICATION OF PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) PILOT PROGRAM.—Subsection (a) of section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 501 note) is amended—

(1) by striking out "Under regulations prescribed by the Secretary of Defense, the" and inserting in lieu thereof "The";

(2) by inserting ", approved by the Secretary of Defense," after "enter into an agreement"; and

(3) by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993, 1994, and 1995".

(b) FUNDING ASSISTANCE.—Subsection (b) of such section is amended to read as follows:

"(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance allotments and the pay and allowances allotments for the National Guard of the State for that fiscal year.".

(c) SUPPLIES AND EQUIPMENT.—Such section is further amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

"(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, a private agency, or an individual may be used to carry out the pilot program.".

(d) SERVICE OF PARTICIPANTS.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

"(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard shall be considered training in the member's Federal status as a member of the National Guard of a State under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.".

(e) REPORT.—Subsection (g) of such section, as redesignated by subsection (c)(1), is

amended by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1995".

(f) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—In this section:

"(1) The term 'health care' includes medical care services and dental care services.

"(2) The term 'Governor', with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIREMENT HOME ACT OF 1991.

(a) SUPPORT FOR HOME BY DEPARTMENT OF DEFENSE.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 411) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense may make available to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act.".

(b) AUTHORITY OF RETIREMENT HOME CHAIRMAN.—Paragraph (1) of section 1515(d) of such Act (24 U.S.C. 415(d)) is amended to read as follows:

"(1)(A) The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman shall be five years. At the discretion of the Secretary a chairman may serve a second five-year term of office as chairman.

"(B) The chairman shall act as the chief executive officer of the Armed Forces Retirement Home and while so acting shall not be responsible to the Secretary of Defense or to the Secretaries of the military departments for direction and management of the Retirement Home or each facility maintained as a separate facility of the Retirement Home.

"(C) The chairman may appoint, in addition to such ad hoc committees as the chairman determines to be appropriate, a standing executive committee to act for, and in the name of, the Retirement Home Board at such times and on such matters as the chairman considers necessary to expedite the efficient and timely management of each facility maintained as a separate facility of the Retirement Home.

"(D) The chairman may appoint an administrative staff to assist the chairman in the performance of the duties of the chairman. The chairman shall determine the rates of pay applicable to such staff, except that a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States shall receive no additional pay by reason of service on the administrative staff.".

(c) HOSPITAL CARE FOR HOME RESIDENTS.—Section 1513(b) of such Act (24 U.S.C. 413(b)) is amended by striking out the second sentence and inserting in lieu thereof the following: "Secondary and tertiary hospital care for residents that is not available at a facility maintained as a separate establishment of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense in a facility administered by such Secretary. The Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care.".

(d) DISPOSITION OF ESTATES OF DECEASED PERSONS.—Subsection (a) of section 1520 of such Act (24 U.S.C. 420) is amended to read as follows:

"(a) DISPOSITION OF EFFECTS OF DECEASED PERSONS.—The Director of each facility that is maintained as a separate establishment of the Retirement Home shall safeguard and dispose of the estate and personal effects of deceased residents, including effects delivered to such facility under sections 4712(f) and 9712(f) of title 10, United States Code, and shall ensure the following:

"(1) A will or other instrument of a testamentary nature involving property rights executed by a resident shall be promptly delivered, upon the death of the resident, to the proper court of record.

"(2) If a resident dies intestate and the heirs or legal representative of the deceased cannot be immediately ascertained, the Director shall retain all property left by the decedent for a three-year period beginning on the date of the death. If entitlement to such property is established to the satisfaction of the Director at any time during the three-year period, the Director shall distribute the decedent's property, in equal prorata shares when multiple beneficiaries have been identified, to the highest following categories of identified survivors (listed in the order of precedence indicated):

"(A) The surviving spouse or legal representative.

"(B) The children of the deceased.

"(C) The parents of the deceased.

"(D) The siblings of the deceased.

"(E) The next-of-kin of the deceased.".

(e) SALE OF EFFECTS.—Subsection (b) of such section 1520 is amended to read as follows:

"(b) SALE OF EFFECTS.—(1)(A) If the disposition of the estate of a resident of the Retirement Home cannot be accomplished under subsection (a)(2) or if a resident dies testate and the nominated fiduciary, legatees, or heirs of the resident cannot be immediately ascertained, the entirety of the deceased resident's domiciliary estate and the entirety of any ancillary estate that is unclaimed at the end of the three-year period beginning on the date of the death of the resident shall escheat to the Retirement Home.

"(B) Upon the sale of any such unclaimed estate property, the proceeds of the sale shall be deposited in the Retirement Home Trust Fund.

"(C) If a personal representative or other fiduciary is appointed to administer a deceased resident's estate and the administration is completed before the end of such three-year period, the balance of the entire net proceeds of the estate, less expenses, shall be deposited directly in the Retirement Home Trust Fund. The heirs or legatees of the deceased resident may file a claim made with the Comptroller General of the United States to reclaim such proceeds. A determination of the claim by the Comptroller General shall be subject to judicial review exclusively by the United States Court of Federal Claims.

"(2)(A) The Director of a facility maintained as a separate establishment of the Retirement Home may designate an attorney to serve as attorney or agent for the facility in any probate proceeding in which the Retirement Home may have a legal interest as nominated fiduciary, testamentary legatee, escheat legatee, or in any other capacity.

"(B) An attorney designated under this paragraph may, in the domiciliary jurisdiction of the deceased resident and in any ancillary jurisdiction, petition for appointment as fiduciary. The attorney shall have priority over any petitioners (other than the deceased resident's nominated fiduciary, named legatees, or heirs) to serve as fiduciary. In a probate proceeding in which the heirs of an intestate deceased resident cannot be located and in a probate proceeding in which the nominated fiduciary, legatees, or heirs of a testate deceased resident cannot be located, the attorney shall be appointed as the fiduciary of the deceased resident's estate.

"(3) The designation of an employee or representative of a facility of the Retirement Home as personal representative of the estate of a resident of the Retirement Home or as a legatee under the will or codicil of the resident shall not disqualify an employee or staff member of that facility from serving as a competent witness to a will or codicil of the resident.

"(4) After the end of the three-year period beginning on the date of the death of a resident of a facility, the Director of the facility shall dispose of all property of the deceased resident that is not otherwise disposed of under this subsection, including personal effects such as decorations, medals, and citations to which a right has not been established under subsection (a). Disposal may be made within the discretion of the Director by—

"(A) retaining such property or effects for the facility;

"(B) offering such items to the Secretary of Veterans Affairs, a State, another military home, a museum, or any other institution having an interest in such items; or

"(C) destroying any items determined by the Director to be valueless.".

(f) APPLICABILITY.—Section 1541 of such Act (24 U.S.C. 401 note) is amended by adding at the end the following new subsection:

"(d) APPLICABILITY.—Section 1520 of this Act shall apply to the estate of each resident of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home, who dies after November 29, 1989.".

SEC. 367. MODIFICATION OF RESTRICTION ON REPAIR OF CERTAIN VESSELS THE HOMEPORT OF WHICH IS PLANNED FOR REASSIGNMENT.

Subsection (b) of section 7310 of title 10, United States Code, as inserted by section 824(b), is amended to read as follows:

"(b) VESSEL CHANGING HOMEPORTS.—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

"(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the United States (or a territory of the United States) perform in the United States (or a territory

of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled—

"(A) to begin during the 15-month period; and

"(B) to be for a period of more than six months.".

SEC. 368. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES WHO DIE WHILE SERVING IN AN ARMED CONFLICT WITH THE ARMED FORCES.

(a) IN GENERAL.—Chapter 75 of title 10, United States Code, is amended by inserting after section 1482 the following new section:

"§ 1482a. Expenses incident to death: Civilian employees serving with an armed force

"(a) PAYMENT OF EXPENSES.—The Secretary concerned may pay the expenses incident to the death of a civilian employee who dies of injuries incurred in connection with the employee's service with an armed force in a contingency operation, or who dies of injuries incurred in connection with a terrorist incident occurring during the employee's service with an armed force, as follows:

"(1) Round-trip transportation and prescribed allowances for one person to escort the remains of the employee to the place authorized under section 5742(b)(1) of title 5.

"(2) Presentation of a flag of the United States to the next of kin of the employee.

"(3) Presentation of a flag of equal size to the flag presented under paragraph (2) to the parents or parent of the employee, if the person to be presented a flag under paragraph (2) is other than the parent of the employee.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. The Secretary of Transportation shall prescribe regulations to implement this section with regard to civilian employees of the Department of Transportation. Regulations under this subsection shall be uniform to the extent possible and shall provide for the Secretary's consideration of the conditions and circumstances surrounding the death of an employee and the nature of the employee's service with the armed force.

"(c) DEFINITIONS.—In this section:

"(1) The term 'civilian employee' means a person employed by the Federal Government, including a person entitled to basic pay in accordance with the General Schedule provided in section 5332 of title 5 or a similar basic pay schedule of the Federal Government.

"(2) The term 'contingency operation' includes humanitarian operations, peacekeeping operations, and similar operations.

"(3) The term 'parent' has the meaning given such term in section 1482(a)(11) of this title.

"(4) The term 'Secretary concerned' includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of such title is amended by inserting after the item relating to section 1482 the following new item:

"1482a. Expenses incident to death: Civilian employees serving with an armed force.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the payment of incidental expenses for civilian employees who die while serving in a contingency operation that occurs after the date of the enactment of this Act.

SEC. 369. MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

(b) FUNDING.—Of the amounts authorized to be appropriated to the Marine Corps for operation and maintenance in a fiscal year, not more than $15,000 may be made available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, $150,000 may be made available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of United States military personnel during World War II.

SEC. 370. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1344) is amended by striking out "terminate at the end of the two-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "terminate on December 5, 1994".

(2) Section 343(e) of such Act is amended by striking out "60 days after the end of the two-year period described in subsection (d)" and inserting in lieu thereof "February 3, 1995".

(b) 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; 104 Stat. 1684) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 371. SHIPS' STORES.

(a) CONVERSION TO OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITIES.—Not later than October 1, 1994, the Secretary of the Navy shall convert the operation of all ships' stores from operation as an activity funded by direct appropriations to operation by the Navy Exchange Service Command as an activity funded from sources other than appropriated funds.

(b) TRANSFER OF FUNDS.—To facilitate the conversion required under subsection (a), the Secretary of the Navy shall transfer to the Navy Exchange Service Command, without cost to the Navy Exchange Service Command, from—

(1) the Navy Stock Fund, an amount equal to the value of existing ships' stores assets in that Fund; and

(2) the Ships' Stores Profits, Navy Fund, residual cash in that Fund.

(c) CODIFICATION.—Section 7604 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under such regulations"; and

(2) by adding at the end the following new subsections:

"(b) INCIDENTAL SERVICES.—The Secretary of the Navy may provide financial services, space, utilities, and labor to ships' stores on a nonreimbursable basis.

"(c) ITEMS SOLD.—Merchandise sold by ship stores afloat shall include items in the following categories:

"(1) Health, beauty, and barber items.

"(2) Prerecorded music and videos.

"(3) Photographic batteries and related supplies.

"(4) Appliances and accessories.

"(5) Uniform items, emblematic and athletic clothing, and equipment.

"(6) Luggage and leather goods.

"(7) Stationery, magazines, books, and supplies.

"(8) Sundry, games, and souvenirs.

"(9) Beverages and related food and snacks.

"(10) Laundry, tailor, and cleaning supplies.

"(11) Tobacco products.".

(d) EFFECTIVE DATE.—Subsections (b) and (c) of section 7604 of title 10, United States Code, as added by subsection (c), shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a).

SEC. 372. 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. 373. 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; 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) AVAILABILITY OF FUNDS.—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) On or before June 30, 1994, the Secretary of Defense (with respect to assistance provided in subsection (b) of section 386 of Public Law 102-

484) and the Secretary of Education (with respect to payments made under subsection (d) of such section) shall notify each local educational agency eligible for assistance under subsections (b) and (d) of such section, respectively, for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary of Defense (with respect to funds made available under subsection (d)(1)) and the Secretary of Education (with respect to funds made available under subsection (d)(2)) shall disburse such funds not later than 30 days after notification to eligible local education agencies.

SEC. 374. 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 of Defense 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 or appointment 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.

"(3) The estimated average total annual cost of recruiting a person for enlistment or appointment into the armed forces for the fiscal year covered by the budget, determined and shown 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) CLERICAL AMENDMENT.—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. 375. 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.

SEC. 376. 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 the Congress an assessment of—

(1) the readiness and capability of the Armed Forces 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 five-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 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 readiness and capabilities 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 three preceding fiscal years, and projections for the subsequent fiscal year.

(d) INTERIM ASSESSMENTS.—If, at any time between submissions of assessments to the 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. 377. REPORTS ON TRANSFERS OF CERTAIN FUNDS.

(a) ANNUAL REPORTS.—In each of 1994, 1995, and 1996, the Secretary of Defense shall submit to the congressional defense committees, not later than the date on which the President submits the budget pursuant to section 1105 of title 31, United States Code, in that year, a report on each transfer of funds that was made from an operation and maintenance account of the Department of Defense for operating forces during the preceding fiscal year. The report shall include the reason for the transfer.

(b) MIDYEAR REPORTS.—On May 1 of each of 1994, 1995, and 1996, the Secretary of Defense shall submit to the congressional defense committees a report on each transfer of funds that was made from an operation and maintenance account of the Department of Defense for operating forces during the first six months of the fiscal year in which such report is submitted. The report shall include the reason for the transfer.

SEC. 378. REPORT ON REPLACEMENT SITES FOR ARMY RESERVE FACILITY IN MARCUS HOOK, PENNSYLVANIA.

Not later than March 1, 1994, the Secretary of the Army shall submit to the Congress a report evaluating the suitability of each site within a 100-mile radius of the Army Reserve Facility in Marcus Hook, Pennsylvania, that may be considered by the Secretary as a replacement facility for the Army Reserve Facility. The report shall include a detailed accounting of—

(1) the pier and building space required at the replacement facility and the pier and building space available at each alternative site;

(2) the cost of operating a facility comparable to the Army Reserve Facility at each alternative site;

(3) the other entities, if any, carrying out activities at each alternative site and the pier and building space required by such entities at each alternative site; and

(4) the advantages and disadvantages of locating the facility at each alternative site.

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.

(2) The Navy, 480,800.

(3) The Marine Corps, 177,000.

(4) The Air Force, 425,700.

SEC. 402. TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR MARINE CORPS MAJORS AND LIEUTENANT COLONELS.

(a) VARIATION AUTHORIZED.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1994 and 1995, the numbers applicable to officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel shall be the numbers set forth for that fiscal year in subsection (b) (rather than the numbers determined in accordance with the table in that section).

(b) NUMBERS FOR FISCAL YEARS 1994 AND 1995.—The numbers referred to in subsection (a) are as follows:

Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,578
1995	3,157	1,634.

SEC. 403. ARMY END STRENGTH.

(a) TIMING OF REDUCTION.—The number of active duty members of the Army may not be reduced (from the number as of the date of the enactment of this Act) to a number below 555,000 until after April 30, 1994.

(b) CONDITIONS ON REDUCTION.—After April 30, 1994, the number of active duty members of the Army may be reduced below 555,000 only if—

(1) the Secretary of Defense has submitted to Congress a report setting forth in detail—

(A) the method by which the force structure of the Army in the Bottom Up Review was derived and the projected active duty end strength for the Army for each of fiscal years 1995 through 1999;

(B) how the forces recommended in the Bottom Up Review for the Army for future fiscal years will be able to carry out the two major regional conflicts strategy; and

(C) what effect peacekeeping operations, peace making operations, peace enforcing operations, disaster relief operations, and other operations other than war have on the ability of the Army to carry out the two major regional conflicts strategy;

(2) the President (after receiving a report from the Secretary of the Army containing the assessment of the Secretary on the capabilities of the Army) has submitted to Congress a report—

(A) containing a certification that the Army is capable of providing sufficient forces (excluding forces engaged in peacekeeping operations and other operations other than war) to carry out two major regional conflicts nearly simultaneously, in accordance with the National Military Strategy;

(B) specifying the active Army units anticipated to deploy within the first 75 days in response to a major regional conflict that are at the time of the submission of the report engaged in peacekeeping operations and other operations other than war; and

(C) containing the President's estimate of the time required to redeploy and retrain the forces specified in subparagraph (B) and subsequently to commit them to combat in a major regional contingency; and

(3) the President has submitted the report on multinational peacekeeping and peace enforcement required by section 1502.

(c) LIMITATION ON REDUCTIONS.—If the conditions specified in subsection (b) are met, the number of active duty members of the Army may not during fiscal year 1994 be reduced below the end strength for the Army specified in section 401.

(d) CERTIFICATION UPON PARTICIPATION IN PEACETIME CONTINGENCY OPERATIONS.—Whenever, at a time when the number of active duty members of the Army is below 555,000, the President makes a decision to commit elements of the Army to (1) a peacekeeping operation, a peace making operation, or a peace enforcing operation, or (2) any other operation during peacetime that would require assignment of a large contingent of personnel or that would consume significant resources, the President shall submit to Congress a report containing a certification specified in subsection (b)(2)(A). Any such report shall be submitted not later than the date on which the execution of the operation begins.

(e) END STRENGTH WITHOUT CERTIFICATION.—If the conditions specified in subsection (b) have not been met as of September 30, 1994, the limitation as of that date for the Army under section 401 shall be 555,000 (rather than the number specified in that section for the Army).

(f) ACTIVE DUTY MEMBERS OF THE ARMY.—For purposes of this section, active duty members of the Army are those members of the Army who are on active duty and are counted for purposes of the active duty end strength limitation under section 401.

(g) BOTTOM UP REVIEW.—For purposes of this section, the term "Bottom Up Review" means the internal study of the Department of Defense conducted during 1993 at the direction of the Secretary of Defense, the results of which were published in October 1993 in the report entitled "Report on the Bottom-Up Review".

SEC. 404. REPORT ON END STRENGTHS NECESSARY TO MEET LEVELS ASSUMED IN BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the personnel management actions programmed to be carried out in order to reach the military force strength levels assumed as of the end of fiscal year 1999 in the Bottom Up Review study carried out in the Department of Defense during 1993.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following, shown separately for each of the Army, Navy, Air Force, and Marine Corps:

(1) The active-duty and Selected Reserve end strengths programmed for each fiscal year through fiscal year 1999.

(2) The number of accessions (shown by type of accession) programmed for each fiscal year through fiscal year 1999.

(3) The number of separations, shown by category of separation for both voluntary and involuntary separations, and shown separately for officers and enlisted personnel, programmed for each fiscal year through fiscal year 1999.

(4) A description of any other personnel management action programmed for the purpose stated in subsection (a).

(c) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than February 15, 1994.

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, 118,000.

(4) The Marine Corps Reserve, 42,200.

(5) The Air National Guard of the United States, 117,700.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(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 increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 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, 19,718.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,389.

(6) The Air Force Reserve, 648.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	328	14
E-8	2,585	429	840	74".

(b) OFFICERS.—The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	636	75
Colonel or Navy Captain	372	188	274	25".

SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NATIONAL GUARD.

(a) MINIMUM FORCE STRUCTURE LEVEL.—The force structure allowance for the Army National Guard of the United States for fiscal year 1994 shall be not less than 420,000.

(b) FORCE STRUCTURE ALLOWANCE DEFINED.—For purposes of this section, the force structure allowance for a reserve component is the allowance prescribed for that reserve component by the Secretary of the military department concerned pursuant to section 413 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2400).

SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

(a) FISCAL YEAR 1994.—The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission.

(b) PERMANENT STAFFING LEVEL.—The number of personnel authorizations assigned to the Craft of Opportunity mission shall be maintained during fiscal year 1994 and thereafter at not less than the level in effect on September 30, 1991.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, the 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 subtitles 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 $70,183,770,000. 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. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPARATION PAY FOR REGULAR OFFICERS INVOLUNTARILY DISCHARGED.

(a) PERIOD OF SERVICE REQUIRED FOR ELIGIBILITY.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to any regular officer who is discharged after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not apply with respect to an officer who on the date of the enactment of this Act has five or more, but less than six, years of active service in the Armed Forces.

SEC. 502. EXPANSION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AND SPECIAL SEPARATION BENEFITS PROGRAMS.

Sections 1174a(c)(2) and 1175(d)(1) of title 10, United States Code, are amended by striking out "before December 5, 1991".

SEC. 503. MEMBERS ELIGIBLE FOR INVOLUNTARY SEPARATION BENEFITS.

Section 1141 of title 10, United States Code, is amended by inserting "or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994" after "September 30, 1990,".

SEC. 504. 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 period beginning on the date of the enactment of this section and ending on October 1, 1999, 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 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 such chapter is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 505. DETERMINATION OF SERVICE FOR WARRANT OFFICER RETIREMENT SANCTUARY.

(a) EQUITY WITH OTHER MEMBERS.—Section 580(a)(4) of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subparagraph (C))" in subparagraph (A) after "shall be separated"; and

(2) by adding at the end the following new subparagraph:

"(C) If on the date on which a warrant officer is to be separated under subparagraph (A) the warrant officer has at least 18 years of creditable active service, the warrant officer shall be retained on active duty until retired under paragraph (3) in the same manner as if the warrant officer had had at least 18 years of service on the applicable date under subparagraph (A) or (B) of that paragraph.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to warrant officers who have not been separated pursuant to section 580(a)(4) of title 10, United States Code, before the date of enactment of this Act.

SEC. 506. OFFICERS INELIGIBLE FOR CONSIDERATION BY EARLY RETIREMENT BOARDS.

Section 638(e)(2)(B) of title 10, United States Code, is amended—

(1) by inserting "(i)" after "grade and competitive category";

(2) by inserting "(ii)" after "of this title, or"; and

(3) by striking out the comma after "any provision of law".

SEC. 507. REMEDY FOR INEFFECTIVE COUNSELING OF OFFICERS DISCHARGED FOLLOWING SELECTION BY EARLY DISCHARGE BOARDS.

(a) PROCEDURE FOR REVIEW.—(1) The Secretary of each military department shall establish a procedure for the review of the individual circumstances of an officer described in paragraph (2) who is discharged, or who the Secretary concerned approves for discharge, following the report of a selection board convened by the Secretary to select officers for separation. The procedure established by the Secretary of a military department under this section shall provide that each review under that procedure be carried out by the Board for the Correction of Military Records of that military department.

(2) This section applies in the case of any officer (including a warrant officer) who, having been offered the opportunity to be discharged or otherwise separated from active duty through the programs provided under section 1174a and 1175 of title 10, United States Code—

(A) elected not to accept such discharge or separation; and

(B) submits an application under subsection (b) during the two-year period beginning on the later of the date of the enactment of this Act and the date of such discharge or separation.

(b) APPLICATION.—A review under this section shall be conducted in any case submitted to the Secretary concerned by application from the officer or former officer under regulations prescribed by the Secretary.

(c) PURPOSE OF REVIEW.—(1) The review under this section shall be designed to evaluate the effectiveness of the counseling of the officer before the convening of the board to ensure that the officer was properly informed that selection for discharge or other separation from active duty was a potential result of being within the group of officers to be considered by the board and that the officer was not improperly informed that such selection in that officer's personal case was unlikely.

(2) The Board for the Correction of Military Records of a military department shall render a decision in each case under this section not later than 60 days after receipt by the Secretary concerned of an application under subsection (b).

(d) REMEDY.—Upon a finding of ineffective counseling under subsection (c), the Secretary shall provide the officer the opportunity to participate, at the officer's option, in any one of the following programs for which the officer meets all eligibility criteria:

(1) The Special Separation Benefits program under section 1174a of title 10, United States Code.

(2) The Voluntary Separation Incentive program under section 1175 of such title.

(3) Retirement under the authority provided by section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2702; 10 U.S.C. 1293).

(e) EFFECTIVE DATE.—This section shall apply with respect to officers separated after September 30, 1990.

SEC. 508. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS.

(a) EXTENSION.—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".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1993.

SEC. 509. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION UPON ORIGINAL APPOINTMENT AS AN OFFICER.

(a) CREDIT UPON APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) 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 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 striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) 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 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 striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) 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 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 striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) 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).

(e) RATIFICATION OF PRIOR CREDIT.—To the extent that service credit awarded before the date of the enactment of this Act under section 533, 3353, 5600, or 8353 of title 10, United States Code, based on advanced education in medicine or dentistry was awarded consistent with that section as amended by this section (whether or not properly awarded under that section as in effect before such amendment), the awarding of that service credit is hereby ratified.

SEC. 510. ORIGINAL APPOINTMENT AS REGULAR OFFICERS OF CERTAIN RESERVE OFFICERS IN HEALTH PROFESSIONS.

Section 532(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A reserve commissioned officer appointed in a medical skill other than as a medical officer or dental officer (as defined in regulations prescribed by the Secretary of Defense) is not subject to clause (2) of subsection (a).".

Subtitle B—Reserve Components

SEC. 511. EXCEPTION FOR HEALTH CARE PROVIDERS TO REQUIREMENT FOR 12 WEEKS OF BASIC TRAINING BEFORE ASSIGNMENT OUTSIDE UNITED STATES.

Section 671 of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subsection (c))" in subsection (b) after "may not"; and

(2) by adding at the end the following new subsection

"(c)(1) A period of basic training (or equivalent training) shorter than 12 weeks may be established by the Secretary concerned for members of the armed forces who have been credentialed in a medical profession or occupation and are serving in a health-care occupational specialty, as determined under regulations prescribed under paragraph (2). Any such period shall be established under regulations prescribed under paragraph (2) and may be established notwithstanding section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)).

"(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations for the purposes of paragraph (1). The regulations prescribed by the Secretary of Defense shall apply uniformly to the military departments.".

SEC. 512. NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended by striking out "may not exceed 200" and inserting in lieu thereof "may not exceed 275".

SEC. 513. REPEAL OF MANDATED REDUCTION IN ARMY RESERVE COMPONENT FULL-TIME MANNING END STRENGTH.

Section 412 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 261 note) is amended by striking out subsections (b) and (c).

SEC. 514. 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 each 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 such title are each 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) 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. 515. ACTIVE COMPONENT SUPPORT FOR RESERVE TRAINING.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of the Army shall, not later than September 30, 1995, establish one or more active-component units of the Army with the primary mission of providing training support to reserve units. Each such unit shall be part of the active Army force structure and shall have a commander who is on the active-duty list of the Army.

(b) IMPLEMENTATION PLAN.—The Secretary of the Army shall during fiscal year 1994 submit to the Committees on Armed Services of the Senate and House of Representatives a plan to meet the requirement in subsection (a). The plan shall include a proposal for any statutory changes that the Secretary considers to be necessary for the implementation of the plan.

SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEUVER UNIT INTEGRATION.

(a) PLAN FOR TEST PROGRAM.—The Secretary of the Army shall prepare a plan for carrying out a test program to determine the feasibility and advisability of applying the roundout and roundup models for integration of active and reserve component Army units at the battalion and company levels.

(b) PURPOSE OF TEST PROGRAM.—The purpose of the test program shall be to evaluate whether the roundout and roundup concepts if applied at the battalion and company levels would—

(1) decrease post-mobilization training time;

(2) increase the capabilities of reserve component leaders;

(3) improve the integration of the active and reserve components; and

(4) provide a more efficient means for future expansion of the Army in a period of emergency or increasing international threats to the vital interests of the United States.

(c) REPORT ON PLAN.—The Secretary of the Army shall submit to Congress not later than March 31, 1994, a report that includes the plan for the test program required under subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms "roundout" and "roundup" refer to two approaches for integrating Army National Guard and Army Reserve combat units into active Army corps, divisions, brigades, and battalions after mobilization. The

roundout approach is the method of bringing an incomplete active unit up to full strength by assigning one or more reserve component units to it. The roundup approach is the use of reserve component units to augment or expand active units that are already at full strength.

SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.

(a) ACTIVE COMPONENT ADVISERS.—(1) Subsection (c) of section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 261 note) is amended to read as follows:

"(c) PERSONNEL TO BE ASSIGNED.—The Secretary shall assign not less than 2,000 active component personnel to serve as advisers under the program. After September 30, 1994, the number under the preceding sentence shall be increased to not less than 5,000.".

(2) Subsection (d) of such section is amended by striking out the period at the end of the second sentence and inserting in lieu thereof ", together with a proposal for any statutory changes that the Secretary considers necessary to implement the program on a permanent basis.".

(b) ANNUAL REPORT ON IMPLEMENTATION.—(1) The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a presentation relating to the implementation of the Pilot Program for Active Component Support of the Reserves under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 261 note), as amended by subsection (a).

(2) Each such presentation shall include, with respect to the period covered by the report, the following information:

(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the Army.

(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared in the same manner as specified in subparagraph (A).

SEC. 518. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out "other than" and all that follows through "level." and inserting in lieu thereof a period; and

(2) by adding at the end the following new subsection:

"(i) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.".

SEC. 519. 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".

SEC. 520. REVISION OF CERTAIN DEADLINES UNDER ARMY NATIONAL GUARD COMBAT READINESS REFORM ACT.

(a) DELAY IN MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.—(1) Subsection (b) of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102-484; 10 U.S.C. 3077 note; 106 Stat. 2537) is amended by striking out "fiscal years 1993 through 1997" and inserting in lieu thereof "fiscal years 1994 through 1997".

(2) Subsection (d) of such section is amended by striking out "March 15, 1993" and "April 1, 1993" and inserting in lieu thereof "December 15, 1993" and "January 15, 1994", respectively.

(b) REPORT ON DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.—Section 1118(b) of such Act (106 Stat. 2539) is amended by striking out "February 15, 1993" and inserting in lieu thereof "December 1, 1993".

SEC. 521. ANNUAL REPORT ON IMPLEMENTATION OF ARMY NATIONAL GUARD COMBAT READINESS REFORM ACT.

(a) IN GENERAL.—Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3082. Army National Guard combat readiness reform: annual report

"(a) IN GENERAL.—The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a detailed presentation concerning the Army National Guard, including particularly information relating to the implementation of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102-484; 106 Stat. 2536) (hereinafter in this section referred to as 'ANGCRRA').

"(b) MATTERS TO BE INCLUDED IN REPORT.—Each presentation under subsection (a) shall include, with respect to the period covered by the report, the following information concerning the Army National Guard:

"(1) The number and percentage of officers with at least two years of active-duty before becoming a member of the Army National Guard.

"(2) The number and percentage of enlisted personnel with at least two years of active-duty before becoming a member of the Army National Guard.

"(3) The number of officers who are graduates of one of the service academies and were released from active duty before the completion of their active-duty service obligation and, of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA, together with the reason for each waiver.

"(4) The number of officers who were commissioned as distinguished Reserve Officers' Training Corps graduates and were released from active duty before the completion of their active-duty service obligation and, of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA, together with the reason for each waiver.

"(5) The number of officers who are graduates of the Reserve Officers' Training Corps program and who are performing their minimum period of obligated service in accordance with section 1112(b) of ANGCRRA by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation served in the National Guard and, of those officers, the number for whom permission to perform their minimum period of obligated service in accordance with that section was granted during the preceding fiscal year.

"(6) The number of officers for whom recommendations were made during the preceding fiscal year for a unit vacancy promotion to a grade above first lieutenant and, of those recommendations, the number and percentage that were concurred in by an active-duty officer under section 1113(a) of ANGCRRA, shown separately for each of the three categories of officers set forth in section 1113(b) of ANGCRRA.

"(7) The number of waivers during the preceding fiscal year under section 1114(a) of ANGCRRA of any standard prescribed by the Secretary establishing a military education requirement for noncommissioned officers and the reason for each such waiver.

"(8) The number and distribution by grade, shown for each State, of personnel in the initial entry training and nondeployability personnel accounting category established under 1115 of ANGCRRA for members of the Army National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment.

"(9) The number of members of the Army National Guard, shown for each State, that were discharged during the previous fiscal year pursuant to 1115(c)(1) of ANGCRRA for not completing the minimum training required for deployment within 24 months after entering the National Guard.

"(10) The number of waivers, shown for each State, that were granted by the Secretary during the previous fiscal year under section 1115(c)(2) of ANGCRRA of the requirement in section 1115(c)(1) of ANGCRRA described in paragraph (9), together with the reason for each waiver.

"(11) The number of members, shown for each State, who were screened during the preceding fiscal year to determine whether they meet minimum physical profile standards required for deployment and, of those members—

"(A) the number and percentage who did not meet minimum physical profile standards required for deployment; and

"(B) the number and percentage who were transferred pursuant to section 1116 of ANGCRRA to the personnel accounting category described in paragraph (8).

"(12) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a medical screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(13) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a dental screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(14) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, over the age of 40 who underwent a full physical examination during the previous fiscal year for purposes of section 1117 of ANGCRRA.

"(15) The number of units of the Army National Guard that are scheduled for early deployment in the event of a mobilization and, of those units, the number that are dentally ready for deployment in accordance with section 1118 of ANGCRRA.

"(16) The estimated post-mobilization training time for each Army National Guard combat unit, and a description, displayed in broad categories and by State, of what training would need to be accomplished for Army National Guard combat units in a post-mobilization period for purposes of section 1119 of ANGCRRA.

"(17) A description of the measures taken during the preceding fiscal year to comply with the requirement in section 1120 of ANGCRRA to expand the use of simulations, simulators, and advanced training devices and technologies for members and units of the Army National Guard.

"(18) Summary tables of unit readiness, shown for each State, and drawn from the unit readiness rating system as required by section 1121 of ANGCRRA, including the personnel readiness rating information and the equipment readiness assessment information required by that section, together with—

"(A) explanations of the information shown in the table; and

"(B) based on the information shown in the tables, the Secretary's overall assessment of the deployability of units of the Army National Guard, including a discussion of personnel deficiencies and equipment shortfalls in accordance with such section 1121.

"(19) Summary tables, shown for each State, of the results of inspections of units of the Army National Guard by inspectors general or other commissioned officers of the Regular Army under the provisions of section 105 of title 32, together with explanations of the information shown in the tables, and including display of—

"(A) the number of such inspections;

"(B) identification of the entity conducting each inspection;

"(C) the number of units inspected; and

"(D) the overall results of such inspections, including the inspector's determination for each inspected unit of whether the unit met deployability standards and, for those units not meeting deployability standards, the reasons for such failure and the status of corrective actions.

"(20) A listing, for each Army National Guard combat unit, of the active-duty combat unit associated with that Army National Guard unit in accordance with section 1131(a) of ANGCRRA, shown by State and to be accompanied, for each such National Guard unit, by—

"(A) the assessment of the commander of that associated active-duty unit of the manpower, equipment, and training resource requirements of that National Guard unit in accordance with section 1131(b)(3) of ANGCRRA; and

"(B) the results of the validation by the commander of that associated active-duty unit of the compatibility of that National Guard unit with active duty forces in accordance with section 1131(b)(4) of ANGCRRA.

"(21) A specification of the active-duty personnel assigned to units of the Selected Reserve pursuant to section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note), shown (A) by State, (B) by rank of officers, warrant officers, and enlisted members assigned, and (C) by unit or other organizational entity of assignment.

"(c) IMPLEMENTATION.—The requirement to include in a presentation required by subsection (a) information under any paragraph of subsection (b) shall take effect with respect to the year following the year in which the provision of ANGCRRA to which that paragraph pertains has taken effect. Before then, in the case of any such paragraph, the Secretary shall include any information that may be available concerning the topic covered by that paragraph.

"(d) DEFINITION.—In this section, the term 'State' includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3082. 3082. Army National Guard combat readiness reform: annual report.".

SEC. 522. FFRDC STUDY OF STATE AND FEDERAL MISSIONS OF THE NATIONAL GUARD.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center. The study shall consider both the separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions.

(b) MATTERS TO BE INCLUDED.—The Secretary shall require that the matters to be considered under the study include the following:

(1) Whether the currently projected size for the National Guard after the completion of the reductions in the national defense structure planned through fiscal year 1999 will be adequate for the National Guard to fulfill both its State and Federal missions.

(2) Whether the system of assigning Federal missions to State Guard units could be altered to optimize the Federal as well as the State capabilities of the National Guard.

(3) Whether alternative arrangements, such as cooperative development of National Guard capabilities among the States grouped as regions, are advisable and feasible.

(4) Whether alternative Federal-State cost-sharing arrangements should be implemented for National Guard units whose principal function is to support State missions.

(5) Such other matters related to the missions of the National Guard and the corresponding requirements related to those missions as the Secretary may specify or the center carrying out the study may determine necessary.

(c) FFRDC REPORTS.—(1) The Secretary shall require the center carrying out the study to submit an interim report not later than May 1, 1994, and a final report not later than November 15, 1994. Each report shall include the findings, conclusions, and recommendations of the center concerning each of the matters referred to in subsection (b).

(2) The Secretary shall submit each such report to the Committees on Armed Services of the Senate and House of Representatives not later than 15 days after the date on which it is received by the Secretary.

(d) EVALUATION AND REPORT OF FINAL FFRDC REPORT.—(1) After the center carrying out the study submits its final report, the Secretary of Defense, together with the Secretary of the Army and the Secretary of the Air Force, shall conduct an evaluation of the assumptions, analysis, findings, and recommendations of that study.

(2) Not later than February 1, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under paragraph (1). The report shall be accompanied by any recommendations for legislative action that the Secretary considers necessary as a result of the study and evaluation required by this section.

(e) COOPERATION.—The Secretary shall ensure that the center carrying out the study under this section has full access to such information as the center requires for the purposes of the study and that the center otherwise receives full cooperation from all officials and entities of the Department of Defense, including the National Guard, in carrying out the study.

SEC. 523. 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 a qualification applicable to technicians employed under subsection (a) that is 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.—The following provisions of law are repealed:

(1) Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1974; 32 U.S.C. 709 note).

(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).

(c) SAVINGS PROVISION.—A civilian technician of the Army National Guard serving in an active status on the date of the enactment of this Act who under the provisions of law repealed by subsection (b) (or under other Department of the Army policy in effect on the day before such the date of enactment) was granted credit on the technician's military record for the completion of certain education and training courses shall retain such credit, notwithstanding the provisions of subsections (a) and (b), for a period determined by the Secretary of the Army. Such a period may not terminate, in the case of any such civilian technician, before the effective date of such civilian technician's next mililitary promotion.

SEC. 524. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION REGARDING FEMALE MEMBERS OF THE NATIONAL GUARD AS MEMBERS OF THE MILITIA.—Section 311(a) of title 10, United States Code, is amended by striking out "commissioned officers" and inserting in lieu thereof "members".

(b) 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".

(c) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF TECHNICIANS.—Section 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,".

(d) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS EMPLOYED CONCURRENTLY.—Section

709(h) of title 32, United States Code, is repealed.

(e) PERSONNEL AUTHORIZED TO MAKE UNSERVICEABILITY FINDINGS.—Section 710(f) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) by striking out "subsections (b)-(d)" and inserting in lieu thereof "subsections (b), (c), and (d)";

(3) by striking out "of the Regular Army or the Regular Air Force, as the case may be,"; and

(4) by adding at the end the following:

"(2) In designating an officer to conduct inspections and make findings for purposes of paragraph (1), the Secretary concerned shall designate—

"(A) in the case of the Army National Guard, a commissioned officer of the Regular Army or a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States; and

"(B) in the case of the Air National Guard, 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.".

Subtitle C—Service Academies

SEC. 531. CONGRESSIONAL NOMINATIONS.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are each 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. 532. TECHNICAL AMENDMENT RELATED TO CHANGE IN NATURE OF COMMISSION OF SERVICE ACADEMY GRADUATES.

Section 702(a) of title 10, United States Code, is amended by striking out "regular" in the first sentence.

SEC. 533. MANAGEMENT OF CIVILIAN FACULTY AT MILITARY AND AIR FORCE ACADEMIES.

(a) RECODIFICATION OF MILITARY ACADEMY AUTHORITY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4337 the following new section:

"§ 4338. Civilian faculty: number; compensation

"(a) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(b) The compensation of persons employed under this section is as prescribed by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4337 the following new item:

"4338. Civilian faculty: number; compensation.".

(3) Section 4331 of such title is amended by striking out subsection (c).

(b) RECODIFICATION OF AIR FORCE ACADEMY AUTHORITY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9337 the following new section:

"§ 9338. Civilian faculty: number; compensation

"(a) The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(b) The compensation of persons employed under this section is as prescribed by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9337 the following new item:

"9338. Civilian faculty: number; compensation.".

(3) Section 9331 of such title is amended by striking out subsection (c).

(c) CONFORMING AMENDMENT.—Section 5102(c)(10) of title 5, United States Code, is amended by striking out "at the Naval Academy whose pay is fixed under section 6952 of title 10" and inserting in lieu thereof "at the Military Academy, the Naval Academy, and the Air Force Academy whose pay is fixed under sections 4338, 6952, and 9338, respectively, of title 10".

SEC. 534. EVALUATION OF REQUIREMENT THAT OFFICERS AND CIVILIAN FACULTY MEMBERS REPORT VIOLATIONS OF NAVAL ACADEMY REGULATIONS.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating the administration of section 6965 of title 10, United States Code. The report shall include any recommendations of the Secretary as to amendments or repeal of that section or whether the provisions of that section should be applied to the United States Military Academy and the United States Air Force Academy.

(b) SUBMISSION OF REPORT.—The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 535. PROHIBITION OF TRANSFER OF NAVAL ACADEMY PREPARATORY SCHOOL.

During fiscal year 1994, the Secretary of the Navy may not transfer the Naval Academy Preparatory School from Newport, Rhode Island, to Annapolis, Maryland, or expend any funds for any work (including preparation of an architectural engineering study, design work, or construction or modification of any structure) in preparation for such a transfer.

SEC. 536. TEST PROGRAM TO EVALUATE USE OF PRIVATE PREPARATORY SCHOOLS FOR SERVICE ACADEMY PREPARATORY SCHOOL MISSION.

(a) TEST PROGRAM.—The Secretary of Defense shall conduct a test program to determine the efficiency and cost effectiveness of using schools in the private sector as an alternative to the existing schools used for the mission of operating a military preparatory school program for one or more of the service academies. The Secretary shall carry out the test program through the Under Secretary of Defense for Personnel and Readiness.

(b) PRIORITY.—The test program shall be carried out so as to give priority to the goal of enhancing opportunities for minorities, women, and prior enlisted personnel to attend service academies.

(c) EXCLUSION FROM ACADEMY STRENGTH LIMITATIONS.—Any individual who is admitted to one of the three service academies following completion of a program of instruction at a private-sector preparatory school under the test program shall be excluded from the computation of the size of the corps of cadets or brigade of midshipmen, as the case may, for purposes of strength ceilings imposed by law.

Subtitle D—Women in the Service

SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—Section 6015 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 555 of such title is amended by striking out the item relating to section 6015.

SEC. 542. NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO WHICH FEMALE MEMBERS MAY BE ASSIGNED.

(a) IN GENERAL.—(1) Except in a case covered by subsection (b), whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.

(2) If before the date of the enactment of this Act the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.

(b) SPECIAL RULE FOR GROUND COMBAT EXCLUSION POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either—

(A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members; or

(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(3) The Secretary shall include in any report under paragraph (1)—

(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(4) For purposes of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

SEC. 543. GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS.

(a) GENDER NEUTRALITY REQUIREMENT.—In the case of any military occupational career field that is open to both male and female members of the Armed Forces, the Secretary of Defense—

(1) shall ensure that qualification of members of the Armed Forces for, and continuance of members of the Armed Forces in, that occupational career field is evaluated on the basis of common, relevant performance standards, without differential standards or evaluation on the basis of gender;

(2) may not use any gender quota, goal, or ceiling except as specifically authorized by law; and

(3) may not change an occupational performance standard for the purpose of increasing or decreasing the number of women in that occupational career field.

(b) REQUIREMENTS RELATING TO USE OF SPECIFIC PHYSICAL REQUIREMENTS.—(1) For any military occupational specialty for which the Secretary of Defense determines that specific physical requirements for muscular strength and endurance and cardiovascular capacity are essential to the performance of duties, the Secretary shall prescribe specific physical requirements for members in that specialty and shall ensure (in the case of an occupational specialty that is open to both male and female members of the Armed Forces) that those requirements are applied on a gender-neutral basis.

(2) Whenever the Secretary establishes or revises a physical requirement for an occupational specialty, a member serving in that occupational specialty when the new requirement becomes effective, who is otherwise considered to be a satisfactory performer, shall be provided a reasonable period, as determined under regulations prescribed by the Secretary, to meet the standard established by the new requirement. During that period, the new physical requirement may not be used to disqualify the member from continued service in that specialty.

(c) NOTICE TO CONGRESS OF CHANGES.—Whenever the Secretary of Defense proposes to implement changes to the occupational standards for a military occupational field that are expected to result in an increase, or in a decrease, of at least 10 percent in the number of female members of the Armed Forces who enter, or are assigned to, that occupational field, the Secretary of Defense shall submit to Congress a report providing notice of the change and the justification and rationale for the change. Such changes may then be implemented only after the end of the 60-day period beginning on the date on which such report is submitted.

Subtitle E—Victims' Rights and Family Advocacy

SEC. 551. RESPONSIBILITIES OF MILITARY LAW ENFORCEMENT OFFICIALS AT SCENES OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—(1)Section 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Responsibilities of military law enforcement officials at scenes of domestic violence

"(a) IMMEDIATE ACTIONS REQUIRED.—Under regulations prescribed pursuant to subsection (c), the Secretary concerned shall ensure, in any case of domestic violence in which a military law enforcement official at the scene determines that physical injury has been inflicted or a deadly weapon or dangerous instrument has been used, that military law enforcement officials—

"(1) take immediate measures to reduce the potential for further violence at the scene; and

"(2) within 24 hours of the incident, provide a report of the domestic violence to the appropriate commander and to a local military family advocacy representative exercising responsibility over the area in which the incident took place.

"(b) FAMILY ADVOCACY COMMITTEE.—Under regulations prescribed pursuant to subsection (c), the Secretary concerned shall ensure that, whenever a report is provided to a commander under subsection (a)(2), a multidisciplinary family advocacy committee meets, with all due practicable speed, to review the situation and to make recommendations to the commander for appropriate action.

"(c) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe by regulation the definition of 'domestic violence' for purposes of this section and such other regulations as may be necessary for purposes of this section.

"(d) MILITARY LAW ENFORCEMENT OFFICIAL.—In this section, the term 'military law enforcement official' means a person authorized under regulations governing the armed forces to apprehend persons subject to this chapter or to trial thereunder.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1058. Responsibilities of military law enforcement officials at scenes of domestic violence.".

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe procedures to carry out section 1058 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF VICTIMS AND WITNESSES OF STATUS OF PRISONERS IN MILITARY CORRECTIONAL FACILITIES.

(a) IN GENERAL.—The Secretary of Defense shall prescribe procedures and implement a centralized system for notice of the status of offenders confined in military correctional facilities to be provided to victims and witnesses. Such procedures shall, to the maximum extent practicable, be consistent with procedures of the Federal Bureau of Prisons for victim and witness notification.

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense—

(1) shall prescribe the procedures required by subsection (a) not later than six months after the date of the enactment of this Act; and

(2) shall implement the centralized system required by that section not later than six months after those procedures are prescribed.

(c) NOTIFICATION AND REPORTING REQUIREMENT.—(1) Upon implementation of the centralized system of notice under subsection (a), the Secretary shall notify Congress of such implementation.

(2) After such system has been in operation for one year, the Secretary shall submit to Congress a report detailing the lessons learned during the first year of operation.

(d) TERMINATION OF REQUIREMENT.—The requirement to establish procedures and implement a centralized system of notice under subsection (a) shall expire 90 days after the receipt of the report required by subsection (c)(2).

SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO UCMJ.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the problem of stalking by persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code). In the report, the Secretary shall describe the scope of the problem of stalking within the Armed Forces and shall address whether existing procedures and punitive articles under the Uniform Code of Military Justice adequately protect members of the Armed Forces, and dependents of members of the Armed Forces, who are threatened with stalking. The Secretary shall include in the report such recommendations for changes to law and regulations as the Secretary determines to be necessary.

(b) STALKING.—For purposes of the report under subsection (a), stalking shall be considered to include actions of a person in repeatedly following or harassing another person in a manner to induce in a reasonable person a fear of sexual battery, bodily injury, or death of that person or a member of that person's immediate family.

SEC. 554. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Dependents of members separated for dependent abuse: transitional compensation

"(a) AUTHORITY TO PAY COMPENSATION.—The Secretary of Defense, with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy), and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may each establish a program to pay monthly transitional compensation in accordance with this section to dependents or former dependents of a member of the armed forces described in subsection (b).

"(b) PUNITIVE AND OTHER ADVERSE ACTIONS COVERED.—This section applies in the case of a member of the armed forces on active duty for a period of more than 30 days—

"(1) who is convicted of a dependent-abuse offense (as defined in subsection (c)) and whose conviction results in the member—

"(A) being separated from active duty pursuant to a sentence of a court-martial; or

"(B) forfeiting all pay and allowances pursuant to a sentence of a court-martial; or

"(2) who is administratively separated from active duty in accordance with applicable regulations if the basis for the separation includes a dependent-abuse offense.

"(c) DEPENDENT-ABUSE OFFENSES.—For purposes of this section, a dependent-abuse offense is conduct by an individual while a member of the armed forces on active duty for a period of more than 30 days—

"(1) that involves abuse of the spouse or a dependent child of the member; and

"(2) that is a criminal offense specified in regulations prescribed by the Secretary of Defense under subsection (j).

"(d) RECIPIENTS OF PAYMENTS.—In any case of a separation from active duty as described in subsection (b), the Secretary shall pay such compensation to dependents or former dependents of the former member as follows:

"(1) If the former member was married at the time of the commission of the dependent-abuse offense resulting in the separation, such compensation shall (except as otherwise provided in this subsection) be paid to the spouse or former spouse to whom the member was married at that time.

"(2) If there is a spouse or former spouse who (but for subsection (g)) would be eligible for compensation under this section and if there is a dependent child of the former member who does not reside in the same

household as that spouse or former spouse, such compensation shall be paid to each such dependent child of the former member who does not reside in that household.

"(3) If there is no spouse or former spouse who is (or but for subsection (g) would be) eligible under paragraph (1), such compensation shall be paid to the dependent children of the former member.

"(4) For purposes of paragraphs (2) and (3), an individual's status as a 'dependent child' shall be determined as of the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(2), as of the date on which the member is separated from active duty.

"(e) COMMENCEMENT AND DURATION OF PAYMENT.—(1) Payment of transitional compensation under this section shall commence as of the date of the discontinuance of the member's pay and allowances pursuant to the separation or sentencing of the member and, except as provided in paragraph (2), shall be paid for a period of 36 months.

"(2) If as of the date on which payment of transitional compensation commences the unserved portion of the member's period of obligated active duty service is less than 36 months, the period for which transitional compensation is paid shall be equal to the greater of—

"(A) the unserved portion of the member's period of obligated active duty service; or

"(B) 12 months.

"(f) AMOUNT OF PAYMENT.—(1) Payment to a spouse or former spouse under this section for any month shall be at the rate in effect for that month for the payment of dependency and indemnity compensation under section 1311(a)(1) of title 38.

"(2) If a spouse or former spouse to whom compensation is paid under this section has custody of a dependent child or children of the member, the amount of such compensation paid for any month shall be increased for each such dependent child by the amount in effect for that month under section 1311(b) of title 38.

"(3) If compensation is paid under this section to a child or children pursuant to subsection (d)(2) or (d)(3), such compensation shall be paid in equal shares, with the amount of such compensation for any month determined in accordance with the rates in effect for that month under section 1313 of title 38.

"(g) SPOUSE AND FORMER SPOUSE FORFEITURE PROVISIONS.—(1) If a former spouse receiving compensation under this section remarries, the Secretary shall terminate payment of such compensation, effective as of the date of such marriage. The Secretary may not renew payment of compensation under this section to such former spouse in the event of the termination of such subsequent marriage.

"(2) If after a punitive or other adverse action is executed in the case of a former member as described in subsection (b) the former member resides in the same household as the spouse or former spouse, or dependent child, to whom compensation is otherwise payable under this section, the Secretary shall terminate payment of such compensation, effective as of the time the former member begins residing in such household. Compensation paid for a period after the former member's separation, but before the former member resides in the household, shall not be recouped. If the former member subsequently ceases to reside in such household before the end of the period of eligibility for such payments, the Secretary may not resume such payments.

"(3) In a case in which the victim of the dependent-abuse offense resulting in a punitive or other adverse action described in subsection (b) was a dependent child, the Secretary concerned may not pay compensation under this section to a spouse or former spouse who would otherwise be eligible to receive such compensation if the Secretary determines (under regulations prescribed under subsection (j)) that the spouse or former spouse was an active participant in the conduct constituting the dependent-abuse offense.

"(h) EFFECT OF CONTINUATION OF MILITARY PAY.—In the case of payment of transitional compensation by reason of a total forfeiture of pay and allowances pursuant to a sentence of a court-martial, payment of transitional compensation shall not be made for any period for which an order—

"(1) suspends, in whole or in part, that part of a sentence that includes forfeiture of the member's pay and allowance; or

"(2) otherwise results in continuation, in whole or in part, of the member's pay and allowances.

"(i) COORDINATION OF BENEFITS.—The Secretary concerned may not make payments to a spouse or former spouse under both this section and section 1408(h)(1) of this title. In the case of a spouse or former spouse for whom a court order provides for payments by the Secretary pursuant to section 1408(h)(1) of this title and to whom the Secretary offers payments under this section, the spouse or former spouse shall elect which to receive.

"(j) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy). The Secretary of Transportation shall prescribe regulations to carry out this section with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) Regulations prescribed under paragraph (1) shall include the criminal offenses, or categories of offenses, under the Uniform Code of Military Justice (chapter 47 of this title), Federal criminal law, the criminal laws of the States and other jurisdictions of the United States, and the laws of other nations that are to be considered to be dependent-abuse offenses for the purposes of this section.

"(k) DEPENDENT CHILD DEFINED.—In this section, the term 'dependent child', with respect to a member or former member of the armed forces referred to in subsection (b), means an unmarried child, including an adopted child or a stepchild, who was residing with the member at the time of the dependent-abuse offense resulting in the separation of the former member and—

"(1) who is under 18 years of age;

"(2) who is 18 years of age or older and is incapable of self-support because of a mental or physical incapacity that existed before the age of 18 and who is (or, at the time a punitive or other adverse action was executed in the case of the former member as described in subsection (b), was) dependent on the former member for over one-half of the child's support; or

"(3) who is 18 years of age or older but less than 23 years of age, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense and who is (or, at the time a punitive or other adverse action was executed in the case of the former member as described in subsection (b), was) dependent on the former member for over one-half of the child's support.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1056 the following new item:

"1058. Dependents of members separated for dependent abuse: transitional compensation.".

(b) EFFECTIVE DATE.—(1) Section 1058 of title 10, United States Code, as added by subsection (a), shall apply with respect to a member of the Armed Forces who, on or after the date of the enactment of this Act—

(A) is separated from active duty as described in subsection (b) of such section; or

(B) forfeits all pay and allowances as described in such subsection.

(2) Notwithstanding paragraph (1), no payment may be made under such section 1058 with respect to any period before April 1, 1994.

SEC. 555. CLARIFICATION OF ELIGIBILITY FOR BENEFITS FOR DEPENDENT VICTIMS OF ABUSE BY MEMBERS OF THE ARMED FORCES PENDING LOSS OF RETIRED PAY.

(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 may, as determined by the Secretary concerned, be considered terminated effective upon the approval of that sentence by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice).

"(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 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.—Such subsection is further 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).

Subtitle F—Force Reduction Transition

SEC. 561. EXTENSION THROUGH FISCAL YEAR 1999 OF CERTAIN FORCE DRAWDOWN TRANSITION AUTHORITIES RELATING TO PERSONNEL MANAGEMENT AND BENEFITS.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE DUTY MEMBERS.—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, 1999".

(b) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(c) 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 each amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(d) 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 "nine-year period".

(e) RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.—Sections 633 and 634, and subsection (a)(5) and (i) of section 6383, of title 10, United States Code, are each amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(f) GUARD AND RESERVE TRANSITION INITIATIVES.—(1) 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 "September 30, 1999".

(2) Section 4416 of such Act (106 Stat. 2714; 10 U.S.C. 1162 note) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking out "the period referred to in subsection (c)" and inserting in lieu thereof "the force reduction transition period";

(ii) in paragraph (1), by striking out "October 1, 1995," and inserting in lieu thereof "October 1, 1999,"; and

(iii) in paragraph (3), by striking out "Retired Reserve—" and all that follows in that paragraph and inserting in lieu thereof "Retired Reserve."; and

(B) by striking out subsection (c).

(3) Section 4418(a) of such Act (106 Stat. 2717; 10 U.S.C. 1162 note) is amended by inserting "during the force reduction transition period" before "is entitled to separation pay".

(4) Section 1331a of title 10, United States Code, is amended—

(A) in subsection (a)(1)(B), by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999";

(B) in subsection (a)(2), by striking out "within one year after the date of the notification referred to in paragraph (1)"; and

(C) in subsection (b), by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(g) SPECIAL SEPARATION BENEFIT.—Section 1174a(h) of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1999".

(h) VOLUNTARY SEPARATION INCENTIVE.—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, 1999"; and

(2) in subsection (h)(7)(A), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1999".

(i) HEALTH, COMMISSARY, AND FAMILY HOUSING BENEFITS.—Sections 1145(a)(1), 1145(c)(1), 1146, and 1147(a) of title 10, United States Code, are each amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(j) GUARD AND RESERVE AFFILIATION PREFERENCE.—Section 1150(a) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(k) ASSISTANCE TO OBTAIN EMPLOYMENT AS TEACHER.—Section 1151(c)(1)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "seven-year period".

(l) 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 each amended by striking out "five-year period" and inserting in lieu thereof "nine-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 "nine-year period".

(m) 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 each amended by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1999,".

(n) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(o) PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (106 Stat. 2741; 10 U.S.C. 1143a note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1999".

SEC. 562. RETENTION IN AN ACTIVE STATUS OF ENLISTED RESERVES WITH BETWEEN 18 AND 20 YEARS OF SERVICE.

(a) SANCTUARY FOR RESERVE MEMBERS.—Section 1176 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) RESERVE MEMBERS IN ACTIVE STATUS.—A reserve enlisted member serving in an active status who is selected to be involuntarily separated (other than for physical disability or for cause), or whose term of enlistment expires and who is denied reenlistment (other than for physical disability or for cause), 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, denied reenlistment, or transferred from an active status without the member's consent before the earlier of the following:

"(1) 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—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the third anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(2) 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—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the second anniversary of the date on which the member would otherwise be discharged or transferred from an active status.".

(b) EFFECTIVE DATE.—Subsection (b) of section 1176 of title 10, United States Code, as added by subsection (a), shall take effect as of October 23, 1992.

SEC. 563. AUTHORITY TO ORDER EARLY RESERVE RETIREES TO ACTIVE DUTY.

Section 688(a) of title 10, United States Code, is amended by striking out "who has completed at least 20 years of active service" and inserting in lieu thereof "who was retired under section 1293, 3911, 3914, 6323, 8911, or 8914 of this title".

SEC. 564. APPLICABILITY TO COAST GUARD RESERVE OF CERTAIN RESERVE COMPONENTS TRANSITION INITIATIVES.

(a) APPLICABILITY OF CERTAIN BENEFITS.—The Secretary of Transportation shall prescribe such regulations as necessary so as to apply to the members of the Coast Guard Reserve the provisions of subtitle B of title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2712), including the amendments made by those provisions. For purposes of the application of any of such provisions to the Coast Guard Reserve, any reference in those provisions to the Secretary of Defense or Secretary of a military department shall be treated as referring to the Secretary of Transportation.

(b) REGULATIONS.—Regulations prescribed for the purposes of this section shall to the extent practicable be identical to the regulations prescribed by the Secretary of Defense under those provisions.

(c) TEMPORARY SPECIAL RETIREMENT AUTHORITY.—Section 1331a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Secretary of a military department" and inserting in lieu thereof "Secretary concerned"; and

(2) in subsection (c), by striking out "of the military department"; and

(3) in subsection (e), by striking out the period at the end and inserting in lieu thereof "and by the Secretary of Transportation with respect to the Coast Guard.".

Subtitle G—Other Matters

SEC. 571. 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. 572. CHANGE IN TIMING OF REQUIRED DRUG AND ALCOHOL TESTING AND EVALUATION OF APPLICANTS FOR APPOINTMENT AS CADET OR MIDSHIPMAN AND FOR ROTC GRADUATES.

Section 978(a)(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "during the physical examination given the applicant before such appointment" and inserting in lieu thereof "within 72 hours of such appointment"; and

(2) in the second sentence, by striking out "during the precommissioning physical examination given such person" and inserting in lieu thereof "before such an appointment is executed".

SEC. 573. REIMBURSEMENT REQUIREMENTS FOR ADVANCED EDUCATION ASSISTANCE.

(a) IN GENERAL.—Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(g)(1) In any case in which the Secretary concerned determines that a person who entered into an agreement under this section failed to complete the period of active duty specified in the agreement (or failed to fulfill any other term or condition prescribed in

the agreement) and, by reason of the provision of the agreement required under subsection (a)(3), may owe a debt to the United States and in which that person disputes that such a debt is owed, the Secretary shall designate a member of the armed forces or a civilian employee under the jurisdiction of the Secretary to investigate the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. That official shall report the official's findings and recommendations to the Secretary concerned. If the justification for the debt investigated includes an allegation of misconduct, the investigating official shall state in the report the official's assessment as to whether the individual behavior that resulted in the separation of the person who may owe the debt qualifies as misconduct under subsection (a)(3).

"(2) The Secretary of each military department shall ensure that a member of the armed forces who may be subject to a reimbursement requirement under this section is advised of such requirement before (1) submitting a request for voluntary separation, or (2) making a decision on a course of action regarding personal involvement in administrative, nonjudicial, and judicial action resulting from alleged misconduct.

"(h) 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. In such a case, 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.".

(b) EFFECTIVE DATES.—(1) Subsection (g) of section 2005 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the end of the six-month period beginning on the date of the enactment of this Act.

(2) Subsection (h) of such section, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the date of the enactment of this Act.

SEC. 574. RECOGNITION BY STATES OF MILITARY POWERS OF ATTORNEY.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044a the following new section:

"§ 1044b. Military powers of attorney: requirement for recognition by States

"(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—A military power of attorney—

"(1) is exempt from any requirement of form, substance, formality, or recording that is provided for powers of attorney under the laws of a State; and

"(2) shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the State concerned.

"(b) MILITARY POWER OF ATTORNEY.—For purposes of this section, a military power of attorney is any general or special power of attorney that is notarized in accordance with section 1044a of this title or other applicable State or Federal law.

"(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, each military power of attorney shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a military power of attorney that does not include a statement described in that paragraph.

"(d) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044a the following:

"1044b. Military powers of attorney: requirement for recognition by States.".

SEC. 575. FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM.

(a) TEST PROGRAM.—The Secretary of Defense shall develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other measures. The test program shall be designed to evaluate the findings and recommendations of—

(1) the June 1993 inspection report of the Inspector General of the Department of Defense on the Defense Foreign Language Program (report numbered 93-INS-10);

(2) the report of the Sixth Quadrennial Review of Military Compensation (August 1988); and

(3) any other recent study of the foreign language proficiency program of the Department of Defense.

(b) EVALUATION OF PRIOR RECOMMENDATIONS.—The test program shall include an evaluation of the following possible changes to current practice identified in the reports referred to in subsection (a):

(1) Management of linguist billets and personnel for the active and reserve components from a Total Force perspective.

(2) Improvement of linguist training programs, both resident and nonresident, to provide greater flexibility, to accommodate missions other than signals intelligence, and to improve the provision of resources for nonresident programs.

(3) Centralized responsibility within the Office of the Secretary of Defense to provide coordinated oversight of all foreign language issues and programs, including a centralized process for determination, validation, and documentation of foreign language requirements for different services and missions.

(4) Revised policies of each of the military departments to foster maintenance of highly perishable linguistic skills through improved management of the careers of language-trained personnel, including more effective use of language skills, improved career opportunities within the linguistics field, and specific linkage of language proficiency to promotions.

(5) In the case language-trained members of the reserve components—

(A) the use of additional training assemblies (ATAs) as a means of sustaining linguistic proficiency and enhancing retention; and

(B) the use of larger enlistment and reenlistment bonuses, Special Duty Assignment Pay, and educational incentives.

(6) Such other management changes as the Secretary may consider necessary.

(c) EVALUATION OF ADJUSTMENT IN FOREIGN LANGUAGE PROFICIENCY PAY.—(1) The Secretary shall include in the test program an evaluation of adjustments in foreign language proficiency pay for active and reserve component personnel (which may be adjusted for purposes of the test program without regard to section 316(b) of title 37, United States Code).

(2) Before any adjustment in foreign language proficiency pay is included in the test program as authorized by paragraph (1), the Secretary shall submit to the committees named in subsection (d)(2) the following information related to proficiency pay adjustments:

(A) The response of the Secretary to the findings of the Inspector General in the report on the Defense Foreign Language Program referred to in subsection (a)(1), specifically including the following matters raised in that report:

(i) Inadequate centralized oversight of planning, policy, roles, responsibilities, and funding for foreign language programs.

(ii) Inadequate management and validation of the requirements process for foreign language programs.

(iii) Inadequate uniform career management of language-trained personnel, including failure to take sufficient advantage of language skills and to recoup investment of training dollars.

(iv) Inadequate training programs, both resident and nonresident.

(B) The current manning of linguistic billets (shown by service, by active or reserve component, and by career field).

(C) The rates of retention in the service for language-trained personnel (shown by service, by active or reserve component, and by career field).

(D) The rates of retention by career field for language-trained personnel (shown by service and by active or reserve component).

(E) The rates of language proficiency for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(F) Trends in performance ratings for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(G) Promotion rates for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(H) The estimated cost of foreign language proficiency pay as proposed to be paid at the adjusted rates for the test program under paragraph (1)—

(i) for each year of the test program; and

(ii) for five years, if those rates are subsequently applied to the entire Department of Defense.

(3) The rates for adjusted foreign language proficiency pay as proposed to be paid for the test program under paragraph (1) may not take effect for the test program unless the senior official responsible for personnel matters in the Office of the Secretary of Defense determines that—

(A) the foreign language proficiency pay levels established for the test program are consistent with proficiency pay levels for other functions throughout the Department of Defense; and

(B) the terms and conditions for receiving foreign language proficiency pay conform to current policies and practices within the Department of Defense.

(d) REPORT ON PLAN FOR TEST PROGRAM.—(1) The Secretary of Defense shall submit to the committees named in paragraph (2) a report containing a plan for the test program required in subsection (a), an explanation of the plan, and a discussion of the matters stated in subsection (c)(2). The report shall be submitted not later than April 1, 1994.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(e) PERIOD OF TEST PROGRAM.—(1) The test program required by subsection (a) shall begin on October 1, 1994. However, if the report required by subsection (d) is not submitted by the date specified in that subsection for the submission of the report, the test program shall begin at the end of a period of 180 days (as computed under paragraph (2)) beginning on the date on which such report is submitted.

(2) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 180-day period.

(3) The test program shall terminate two years after it begins.

SEC. 576. 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 such term appears.

(b) EFFECTIVE DATE.—The amendments 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.

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.

SEC. 602. CONTINUATION OF RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.

(a) CONTINUATION OF RATE.—Section 4402 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2701; 37 U.S.C. 1009 note) is amended—

(1) in subsection (a)—

(A) by striking out "TEMPORARY" in the subsection heading; and

(B) by striking out "**Temporary**" in the heading of the table; and

(2) in subsection (b)—

(A) by striking out "TEMPORARY" in the subsection heading; and

(B) by striking out "December 31, 1992," and all that follows through the period at the end and inserting in lieu thereof "December 31, 1992.".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"SEC. 4402. RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.".

(2) The item relating to such section in the table of contents in section 2(b) of such Act (Public Law 102-484; 106 Stat. 2329) is amended to read as follows:

"Sec. 4402. Rate of basic pay applicable to certain members with over 24 years of service.".

SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) RATES OF PAY.—Section 203 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School who was selected to attend the preparatory school from civilian life is entitled to monthly student pay at the same rate as provided for cadets and midshipmen under subsection (c).

"(2) A student at a preparatory school referred to in paragraph (1) who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the uniformed services on active duty for a period of more than 30 days shall continue to receive monthly basic pay at the rate prescribed for the student's pay grade and years of service as an enlisted member.

"(3) The monthly student pay of a student described in paragraph (1) shall be treated for purposes of the accrual charge for the Department of Defense Military Retirement Fund established under section 1461 of title 10 in the same manner as monthly cadet pay or midshipman pay under subsection (c).".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to students entering the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School on or after the date of the enactment of this Act.

SEC. 604. VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS WHO ARE REQUIRED TO PAY CHILD SUPPORT AND WHO ARE ASSIGNED TO SEA DUTY.

Section 403a(b)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or"; and

(2) in subparagraph (B), by inserting "or" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(C) the member is assigned to sea duty and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above E-6;".

SEC. 605. EVACUATION ADVANCE PAY.

(a) DESIGNATION OF EVACUATION LOCATION.—Section 1006(c) of title 37, United States Code, is amended by striking out "the President" in the first sentence and inserting in lieu thereof "the Secretary of Defense".

(b) TREATMENT OF HOMESTEAD AIR FORCE BASE EVACUATION.—The advance payments of pay for permanent change of station that were received by members of the uniformed services who were 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 B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF AUTHORITY FOR BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 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) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of a person described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the accession bonus, monthly stipend, or special pay authorized under the agreement as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendments made by this section taken effect on October 1, 1993.

(2) A person referred to in paragraph (1) is a person described in section 2130a(b) of title 10 United States Code, or section 302d(a)(1) or 302e(b) of title 37, United States Code, who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by this section taken effect on October 1, 1993.

(3) An agreement referred to in this subsection is an agreement with the Secretary concerned that is a condition for the payment of an accession bonus and monthly stipend under section 2130a of title 10, United States Code, an accession bonus under section 302d of title 37, United States Code, or incentive special pay under section 302e of title 37, United States Code.

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c of title 37, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out "$2,000" in the material preceding paragraph (1) and inserting in lieu thereof "$5,000"; and

(B) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount not to exceed one-half of the bonus may be paid";

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995"; and

(3) by adding at the end the following new subsection:

"(f) The total amount of expenditures under this section may not exceed $37,024,000 during fiscal year 1994.".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e of title 37, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking out "fifth anniversary" in the second sentence and inserting in lieu thereof "sixth anniversary"; and

(B) by adding at the end the following new paragraph:

"(3) In lieu of the procedures set out in paragraph (2), the Secretary concerned may pay the bonus in monthly installments in such amounts as may be determined by the Secretary. Monthly payments under this paragraph shall begin after the first month of satisfactory service of the person and are payable only for those months in which the person serves satisfactorily. Satisfactory service shall be determined under regulations prescribed by the Secretary of Defense."; and

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (a), (b), (d), and (e) shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section 308b, 308c, 308h, or 308i of title 37, United States Code, occurring on or after that date.

(g) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of a person described in paragraph (2) who executes a reserve affiliation agreement under section 308e of title 37, United States Code, during the 90-day period beginning on the date of the enactment of this Act, the Secretary of the military department concerned may treat the agreement for purposes of the bonus authorized under such section as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendment made by subsection (c)(2) taken effect on October 1, 1993.

(2) A person referred to in paragraph (1) is a person described in section 308e(a) of title 37, United States Code, who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for a reserve affiliation agreement under such section had the amendment made by subsection (c)(2) taken effect on October 1, 1993.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) 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, 1994".

(b) 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".

(c) 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".

(d) 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".

(e) ARMY ENLISTMENT BONUS.—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".

(f) 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".

(g) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—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".

(h) APPLICATION OF CERTAIN AMENDMENTS.—(1) The amendments made by subsections (b) and (c) shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section 308 or 308a of title 37, United States Code, occurring on or after that date.

(2) The amendment made by subsection (d) shall take effect as of September 30, 1993, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.

(3) The amendment made by subsection (e) shall take effect as of September 30, 1992, and shall apply with respect to an enlistment in the Army described in section 308f of title 37, United States Code, occurring on or after that date.

(i) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of an officer described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus or special pay authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

(2) An officer referred to in paragraph (1) is an officer described in section 301b(b) of title 37, United States Code, or in section 613(a)(2) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

(3) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code, or special pay under section 613 of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note).

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

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.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1994.

SEC. 622. PAYMENT OF LOSSES INCURRED OR COLLECTION OF GAINS REALIZED DUE TO FLUCTUATIONS IN FOREIGN CURRENCY IN CONNECTION WITH HOUSING MEMBERS IN PRIVATE HOUSING ABROAD.

(a) PAYMENT OR COLLECTION AUTHORIZED.—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 make a lump-sum payment for nonrecurring expenses—

"(A) incurred by the member in occupying private housing outside of the United States; and

"(B) authorized or approved under regulations prescribed by the Secretary concerned.

"(2) Nonrecurring expenses for which a member may be reimbursed under paragraph (1) may 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.

"(3) The Secretary concerned shall recoup the full amount of a refunded deposit referred to in paragraph (2) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.

"(4) 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).".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to nonrecurring expenses and currency fluctuation gains described in section 405(d) of title 37, United States Code, that are incurred by members of the uniformed services on or after October 1, 1993.

Subtitle D—Other Matters

SEC. 631. REVISION OF DEFINITION OF DEPENDENTS FOR PURPOSES OF ALLOWANCES.

(a) EXPANSION OF DEFINITION.—Section 401(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) An unmarried person who—

"(A) is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the United States (or Puerto Rico or a possession of the United States) for a period of at least 12 consecutive months;

"(B) either—

"(i) has not attained the age of 21;

"(ii) has not attained the age of 23 years and is enrolled in a full time course of study at an institution of higher learning approved by the Secretary concerned; or

"(iii) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this paragraph pursuant to clause (i) or (ii);

"(C) is dependent on the member for over one-half of the person's support;

"(D) resides with the member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such

other circumstances as the Secretary concerned may by regulation prescribe; and

"(E) is not a dependent of a member under any other paragraph.".

(b) APPLICATION OF AMENDMENT.—Section 401(a)(4) of title 37, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION ASSISTANCE.

Section 2007 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Subsection (c)(3) may not be construed to prohibit the Secretary of a military department from exercising any authority that the Secretary may have to pay charges of an educational institution (within the limits set forth in subsection (a)) in the case of—

"(1) a warrant officer on active duty or full-time National Guard duty;

"(2) a commissioned officer on full-time National Guard duty; or

"(3) a commissioned officer on active duty who satisfies the condition in subsection (a)(3) relating to an agreement to remain on active duty.".

SEC. 633. SENSE OF CONGRESS REGARDING THE PROVISION OF EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR MEMBERS FROM OUTSIDE THE CONTINENTAL UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure that a member of the Armed Forces 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 will 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.

(b) DEFINITION.—For purposes of this section, the term "continental United States" means the 48 contiguous States and the District of Columbia.

SEC. 634. 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 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.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.

(a) FEMALE MEMBERS AND RETIREES OF THE UNIFORMED SERVICES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

"§ 1074d. Primary and preventive health care services for women

"(a) SERVICES AVAILABLE.—Female members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to primary and preventive health care services for women as part of such medical care.

"(b) DEFINITION.—In this section, the term 'primary and preventive health care services for women' means health care services, including related counseling services, provided to women with respect to the following:

"(1) Papanicolaou tests (pap smear).

"(2) Breast examinations and mammography.

"(3) Comprehensive obstetrical and gynecological care, including care related to pregnancy and the prevention of pregnancy.

"(4) Infertility and sexually transmitted diseases, including prevention.

"(5) Menopause, including hormone replacement therapy and counseling regarding the benefits and risks of hormone replacement therapy.

"(6) Physical or psychological conditions arising out of acts of sexual violence.

"(7) Gynecological cancers.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

"1074d. Primary and preventive health care services for women.".

(b) FEMALE DEPENDENTS.—Section 1077(a) of such title is amended by adding at the end the following new paragraph:

"(13) Primary and preventive health care services for women (as defined in section 1074d(b) of this title).".

SEC. 702. REVISION OF DEFINITION OF DEPENDENTS FOR PURPOSES OF HEALTH BENEFITS.

(a) EXPANSION OF DEFINITION.—Section 1072(2) of title 10, United States Code, is amended—

(1) in subparagraph (G), by striking out "; and" and inserting in lieu thereof a semicolon;

(2) in subparagraph (H), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) an unmarried person who—

"(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months;

"(ii) either—

"(I) has not attained the age of 21;

"(II) has not attained the age of 23 and is enrolled in a full time course of study at an institution of higher learning approved by the administering Secretary; or

"(III) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (I) or (II);

"(iii) is dependent on the member or former member for over one-half of the person's support;

"(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary may by regulation prescribe; and

"(v) is not a dependent of a member or a former member under any other subparagraph.".

(b) APPLICATION OF AMENDMENT.—Section 1072(2)(I) of title 10, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 703. AUTHORIZATION TO EXPAND ENROLLMENT IN THE DEPENDENTS' DENTAL PROGRAM TO CERTAIN MEMBERS RETURNING FROM OVERSEAS ASSIGNMENTS.

(a) AUTHORITY TO EXPAND PROGRAM.—After March 31, 1994, the Secretary of Defense may expand the dependents' dental program established under section 1076a of title 10, United States Code, to permit a member of the uniformed services described in subsection (b) to enroll dependents described in subsection (a) of such section in a dental benefits plan under the program without regard to the length of the uncompleted portion of the member's period of obligated service.

(b) COVERED MEMBERS.—A member referred to in subsection (a) is a member of the uniformed services who is—

(1) on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code); and

(2) reassigned from a permanent duty station where a dental benefits plan under the dependents' dental program is not available to a permanent duty station where such a plan is available.

(c) REPORT ON ADVISABILITY OF EXPANSION.—Not later than February 28, 1994, the Secretary shall submit to Congress a report evaluating the advisability of expanding the enrollment eligibility of members of the uniformed services in the dependents' dental program in the manner authorized in subsection (a). The report shall include an analysis of the cost implications for such an expansion to the Federal Government, beneficiaries under the dependents' dental program, and contractors under the program.

(d) NOTIFICATION OF EXERCISE OF AUTHORITY.—The Secretary shall notify Congress of any decision to expand the enrollment eligibility of dependents in the dependents' dental program as provided in subsection (a) not later than 30 days before such expansion takes effect.

SEC. 704. AUTHORIZATION TO APPLY SECTION 1079 PAYMENT RULES FOR THE SPOUSE AND CHILDREN OF A MEMBER WHO DIES WHILE ON ACTIVE DUTY.

(a) AUTHORITY TO USE SECTION 1079 PAYMENT RULES.—In the case of a dependent described in subsection (b) of a member of a uniformed service who died while on active duty for a period of more than 30 days, the administering Secretary may apply the payment provisions set forth in section 1079(b) of title 10, United States Code (in lieu of the payment provisions set forth in section 1086(b) of such title), with respect to health benefits received by the dependent under section 1086 of such title in connection with an illness or medical condition for which the dependent was receiving treatment under chapter 55 of such title at the time of the death of the member.

(b) ELIGIBLE DEPENDENTS DESCRIBED.—A dependent referred to in this section is a dependent who—

(1) is the unremarried widow, unremarried widower, or child of a member of a uniformed service who died on or after January 1, 1993, while on active duty for a period of more than 30 days; and

(2) was a covered beneficiary under chapter 55 of title 10, United States Code, at the time of the death of the member by reason of being the spouse or child of the member.

(c) PERIOD OF APPLICATION OF SPECIAL PAYMENT RULE.—The special payment rule authorized by subsection (a) for a dependent described in subsection (b) shall expire upon the earlier of—

(1) the end of the one-year period beginning on the date of the death of the member; and

(2) the termination of the illness or condition for which the dependent was receiving treatment under chapter 55 of title 10, United States Code, at the time of the death of the member.

(d) DEFINITIONS.—For purposes of this section, the term "administering Secretary" means—

(1) the Secretary of Defense, with respect to the Armed Forces under the jurisdiction of the Secretary;

(2) the Secretary of Transportation, with respect to the Coast Guard when the Coast Guard is not operating as a service in the Navy; and

(3) the Secretary of Health and Human Services with respect to the National Oceanic and Atmospheric Administration and the Public Health Service.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

SEC. 711. 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 new subsection:

"(o)(1) Health care services provided pursuant to this section or section 1086 of this title (or pursuant to any other contract or project under the Civilian Health and Medical Program of the Uniformed Services) may not include services determined under the CHAMPUS Peer Review Organization program to be not medically or psychologically necessary.

"(2) The Secretary of Defense, after consulting with the other administering Secretaries, may 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 used 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. 712. INCREASED FLEXIBILITY FOR PERSONAL SERVICE CONTRACTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) PERSONAL SERVICES CONTRACTS AUTHORIZED.—(1) Section 1091 of title 10, United States Code, is amended to read as follows:

"§ 1091. Personal services contracts

"(a) AUTHORITY.—The Secretary of Defense may enter into personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense, as determined to be necessary by the Secretary. The authority provided in this subsection is in addition to any other contract authorities of the Secretary, including authorities relating to the management of such facilities and the administration of this chapter.

"(b) LIMITATION ON AMOUNT OF COMPENSATION.—In no case may the total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) exceed the amount of annual compensation (excluding the allowances for expenses) specified in section 102 of title 3.

"(c) PROCEDURES.—(1) The Secretary shall establish by regulation procedures for entering into personal services contracts with individuals under subsection (a). At a minimum, such procedures shall assure—

"(A) the provision of adequate notice of contract opportunities to individuals residing in the area of the medical treatment facility involved; and

"(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

"(2) Upon the establishment of the procedures under paragraph (1), the Secretary may exempt contracts covered by this section from the competitive contracting requirements specified in section 2304 of this title or any other similar requirements of law.

"(d) EXCEPTIONS.—The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).".

(2) The item relating to section 1091 in the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended to read as follows:

"1091. Personal services contracts.".

(b) REPORT REQUIRED.—Not later than 30 days after the end of the 180-day period beginning on the date on which the Secretary of Defense first uses the authority provided under section 1091 of title 10, United States Code (as amended by subsection (a)(1)), the Secretary shall submit to Congress a report specifying—

(1) the compensation, by medical specialty, provided by the Secretary to individuals agreeing to enter into a personal services contract under such section during that period;

(2) the extent to which the amounts of such compensation exceed the amounts previously provided by the Secretary for individuals in such medical specialties;

(3) the total number and medical specialties of individuals serving in military medical treatment facilities during that period pursuant to such a contract; and

(4) the number of such individuals (and their medical specialties) who are receiving compensation under such a contract in an amount in excess of the maximum amount authorized under such section, as such section was in effect on the day before the date of the enactment of this Act.

SEC. 713. EXPANSION OF THE PROGRAM FOR THE COLLECTION OF HEALTH CARE COSTS FROM THIRD-PARTY PAYERS.

(a) COLLECTION CHANGES.—Subsection (g) of section 1095 of title 10, United States Code, is amended—

(1) by inserting after "collected under this section from a third party payer" the following: "or under any other provision of law from any other payer"; and

(2) by inserting before the period the following: "and shall not be taken into consideration in establishing the operating budget of the facility".

(b) DEFINITIONS.—Subsection (h) of such section is amended—

(1) in paragraph (2), by inserting after "includes" the following: "a preferred provider organization and"; and

(2) by adding at the end the following new paragraph:

"(3) The term 'health care services' includes products provided or purchased through a facility of the uniformed services.".

(c) REPORT ON COLLECTIONS.—Subsection (g) of such section (as amended by subsection (a)) is further amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraph:

"(2) Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report specifying for each facility of the uniformed services the amount credited to the facility under this subsection during the preceding fiscal year.".

SEC. 714. ALTERNATIVE RESOURCE ALLOCATION METHOD FOR MEDICAL FACILITIES OF THE UNIFORMED SERVICES.

(a) INCLUSION OF CAPITATION METHOD.—Section 1101 of title 10, United States Code is amended—

(1) in subsection (a)—

(A) by striking out "DRGS" in the subsection heading and inserting in lieu thereof "CAPITATION OR DRG METHOD"; and

(B) by inserting "capitation or" before "diagnosis-related groups";

(2) in subsection (b), by striking out "Diagnosis-related groups" and inserting in lieu thereof "Capitation or diagnosis-related groups"; and

(3) in subsection (c)—

(A) by striking out "shall" both places it appears and inserting in lieu thereof "may"; and

(B) by adding at the end the following new paragraph:

"(4) An appropriate method for calculating or estimating the annual per capita costs of providing comprehensive health care services to members of the uniformed services on active duty and covered beneficiaries.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1101. Resource allocation methods: capitation or diagnosis-related groups".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1101. Resource allocation methods: capitation or diagnosis-related groups.".

SEC. 715. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE.

(a) PREEMPTION.—Section 1103 of title 10, United States Code, is amended to read as follows:

"§ 1103. Contracts for medical and dental care: State and local preemption

"(a) OCCURRENCE OF PREEMPTION.—A law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery or financing methods shall not apply to any contract entered into pursuant to this chapter by the Secretary of Defense or the administering Secretaries to the extent that the Secretary of Defense or the administering Secretaries determine that—

"(1) the State or local law or regulation is inconsistent with a specific provision of the contract or a regulation promulgated by the Secretary of Defense or the administering Secretaries pursuant to this chapter; or

"(2) the preemption of the State or local law or regulation is necessary to implement or administer the provisions of the contract or to achieve any other important Federal interest.

"(b) EFFECT OF PREEMPTION.—In the case of the preemption under subsection (a) of a State or local law or regulation regarding financial solvency, the Secretary of Defense or the administering Secretaries shall require an independent audit of the prime contractor of each contract that is entered into pursuant to this chapter and covered by the preemption. The audit shall be performed by the Defense Contract Audit Agency.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each Territory and possession of the United States.".

(b) APPLICATION OF AMENDMENT.—Section 1103 of title 10, United States Code, as amended by subsection (a), shall apply with respect to any contract entered into under chapter 55 of such title before, on, or after the date of the enactment of this Act.

SEC. 716. SPECIALIZED TREATMENT FACILITY PROGRAM AUTHORITY AND ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.

(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 may conduct a specialized treatment facility program pursuant to regulations prescribed by the Secretary of Defense. The Secretary shall consult with the other administering Secretaries in prescribing regulations for the program and in conducting the program.

"(b) FACILITIES AUTHORIZED TO BE USED.—Under the specialized treatment facility 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 specialized treatment facility program, the Secretary 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 specialized treatment facility 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.—A covered beneficiary who resides within the service area of a specialized treatment facility designated under the specialized treatment facility program may be required to obtain a nonavailability of health care statement in the case of a specialized service offered by the facility in order for the covered beneficiary to receive the service outside of the program.

"(f) PAYMENT OF COSTS RELATED TO CARE IN SPECIALIZED TREATMENT FACILITIES.—(1) Subject to paragraph (2), in connection with the treatment of a covered beneficiary under the specialized treatment facility program, the Secretary 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 for 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.

"(g) COVERED BENEFICIARY DEFINED.—In this section, the term 'covered beneficiary' means a person covered under section 1079 or 1086 of this title.

"(h) EXPIRATION OF PROGRAM.—The Secretary may not carry out the specialized treatment facility program authorized by this section after 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) CLARIFICATION OF DETERMINATION TO ISSUE NONAVAILABILITY OF HEALTH CARE STATEMENTS.—(1) Section 1080 of title 10, United States Code is amended—

(A) by inserting "(a) ELECTION.—" before "A dependent"; and

(B) by adding at the end the following new subsection:

"(b) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—In determining whether to issue a nonavailability of health care statement for a dependent described in subsection (a), the commanding officer of a facility of the uniformed services may consider the availability of health care services for the dependent pursuant to any contract or agreement entered into under this chapter for the provision of health care services.".

(2) Section 1086(e) of such title is amended by adding at the end the following new sentence: "In addition, section 1080(b) of this title shall apply in making the determination whether to issue a nonavailability of health care statement for a person covered by this section.".

(c) CONFORMING AMENDMENT.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that—" and all that follows through the semicolon at the end of subparagraph (B) 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. 717. DELAY OF TERMINATION AUTHORITY REGARDING STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TERMINATION AUTHORITY.—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, 1996".

(b) EVALUATION OF DOD-USTF PARTICIPATION AGREEMENTS.—(1) The Comptroller General of the United States and the Director of the Congressional Budget Office shall jointly prepare a report evaluating the participation agreements entered into between Uniformed Services Treatment Facilities and the Secretary of Defense under the authority of section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587).

(2) The report required under this subsection shall include an evaluation of the following:

(A) The cost-effectiveness of the agreements compared to other components of the military health care delivery system, including the Civilian Health and Medical Program of the Uniformed Services.

(B) The impact of the agreements, during the four-year term of the agreements, on the budget and expenditures of the Department of Defense for health care programs.

(C) The cost and other implications of terminating the agreements before their expiration.

(D) The health care services available through the Uniformed Services Treatment Facilities under the agreements compared to the health care services available through other components of the military health care delivery system.

(E) The beneficiary cost-sharing requirements of the Uniformed Services Treatment Facilities under the agreements compared to the beneficiary cost-sharing requirements of other components of the military health care delivery system.

(3) The report required under this subsection shall be submitted to Congress not later than six months after the date of the enactment of this Act.

(4) For purposes of this subsection:

(A) The term "Uniformed Services Treatment Facilities" means those facilities described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

(B) The term "Civilian Health and Medical Program of the Uniformed Services" has the meaning given that term in section 1072(4) of title 10, United States Code.

SEC. 718. MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL FOR THE UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR OPERATION OF MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—Subsection (c) of section 718 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

(1) by striking out the first sentence; and

(2) by inserting before the second sentence the following:

"(1) TIME FOR OPERATION.—Not later than the date of the enactment of this Act, the Secretary of Defense shall begin operation of a managed-care delivery and reimbursement model that will continue to utilize the Uniformed Services Treatment Facilities in the military health services system.".

(b) COPAYMENTS, EVALUATION, AND DEFINITION.—Such subsection is further amended by adding at the end the following new paragraphs:

"(2) COPAYMENTS.—A Uniformed Services Treatment Facility for which there exists a managed-care plan developed as part of the model required by this subsection may impose reasonable charges for inpatient and outpatient care provided to all categories of beneficiaries enrolled in the plan. The schedule and application of such charges shall be in accordance with the terms and conditions specified in the plan.

"(3) EVALUATION OF PERFORMANCE UNDER THE MODEL.—(A) The Secretary of Defense shall utilize a federally funded research and development center to conduct an independent evaluation of the performance of each Uniformed Services Treatment Facility operating under a managed-care plan developed as part of the model required by this subsection. The evaluation shall include an assessment of the efficiency of the Uniformed Services Treatment Facility in providing health care under the plan. The assessment shall be made in the same manner as provided in section 712(a) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1073 note) for expansion of the CHAMPUS reform initiative.

"(B) Not later than December 31, 1995, the center conducting the evaluation and assessment shall submit to the Secretary of Defense and to Congress a report on the results of the evaluation and assessment. The report shall include such recommendations regarding the managed-care delivery and reimbursement model under this subsection as the entity considers to be appropriate.

"(4) DEFINITION.—For purposes of this subsection, the term 'Uniformed Services Treatment Facility' means a facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).".

SEC. 719. FLEXIBLE DEADLINE FOR CONTINUATION 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; 10 U.S.C. 1073 note) is amended by striking out "not later than August 1, 1993." and inserting in lieu thereof "as soon as practicable after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

SEC. 720. CLARIFICATION OF CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) IN GENERAL.—Subsection (a) of section 712 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1073 note) is amended—

(1) by inserting "(1)" after "CONDITION.—";

(2) in the second sentence, by inserting after "cost-effectiveness of the initiative" the following: "(while assuring that the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services will not be increased as a result of the expansion)"; and

(3) by adding at the end the following new paragraph:

"(2) To the extent any revision of the CHAMPUS reform initiative is necessary in order to make the certification required by this subsection, the Secretary shall assure that enrolled covered beneficiaries may obtain health care services with reduced out-of-pocket costs, as compared to standard CHAMPUS.".

(b) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The terms 'Civilian Health and Medical Program of the Uniformed Services' and 'CHAMPUS' have the meaning given the term 'Civilian Health and Medical Program of the Uniformed Services' in section 1072(4) of title 10, United States Code."

SEC. 721. REPORT REGARDING DEMONSTRATION PROGRAMS FOR THE SALE OF PHARMACEUTICALS.

Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1079 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL REPORT REGARDING PROGRAMS.—Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report containing—

"(1) an evaluation of the feasibility and advisability of increasing the size of those areas determined by the Secretary under subsection (c)(2) to be adversely affected by the closure of a health care facility of the uniformed services in order to increase the number of persons described in such subsection who will be eligible to participate in the demonstration project for pharmaceuticals by mail or in the retail pharmacy network under this section;

"(2) an evaluation of the feasibility and advisability of expanding the demonstration project and the retail pharmacy network under this section to include all covered beneficiaries under chapter 55 of title 10, United States Code, including those persons currently excluded from participation in the Civilian Health and Medical Program of the Uniformed Services by operation of section 1086(d)(1) of such title;

"(3) an estimation of the costs that would be incurred, and any savings that would be achieved by improving efficiencies of operation, as a result of undertaking the increase or expansion described in paragraph (1) or (2); and

"(4) such recommendations as the Secretary considers to be appropriate.".

Subtitle C—Other Matters

SEC. 731. USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

(a) USE OF MODEL.—The Secretary of Defense shall prescribe and implement a health benefit option (and accompanying cost-sharing requirements) for covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code, that is modelled on health maintenance organization plans offered in the private sector and other similar Government health insurance programs. The Secretary shall include, to the maximum extent practicable, the health benefit option required under this subsection as one of the options available to covered beneficiaries in all managed health care initiatives undertaken by the Secretary after the date of the enactment of this Act.

(b) ELEMENTS OF OPTION.—The Secretary shall offer covered beneficiaries who enroll in the health benefit option required under subsection (a) reduced out-of-pocket costs and a benefit structure that is as uniform as possible throughout the United States. The Secretary shall allow enrollees to seek health care outside of the option, except that the Secretary may prescribe higher out-of-pocket costs than are provided under section 1079 or 1086 of title 10, United States Code, for enrollees who obtain health care outside of the option.

(c) GOVERNMENT COSTS.—The health benefit option required under subsection (a) shall be administered so that the costs incurred by the Secretary under each managed health care initiative that includes the option are no greater than the costs that would otherwise be incurred to provide health care to the covered beneficiaries who enroll in the option.

(d) COVERED BENEFICIARY DEFINED.—For purposes of this section, the term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(e) REGULATIONS.—Not later than February 1, 1994, the Secretary shall prescribe final regulations to implement the health benefit option required by subsection (a).

SEC. 732. CLARIFICATION OF AUTHORITY FOR GRADUATE STUDENT PROGRAM OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) DISTINCTION BETWEEN MEDICAL AND GRADUATE STUDENTS.—Section 2114 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Students" in the first sentence and inserting in lieu thereof "Medical students";

(2) in subsection (b), by striking out "Students" both places it appears and inserting in lieu thereof "Medical students";

(3) in subsection (d)—

(A) by striking out "member of the program" in the first sentence and inserting in lieu thereof "medical student"; and

(B) by striking out "any such member" in the second sentence both places it appears and inserting in lieu thereof "any such student"; and

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

"(g) The Secretary of Defense shall establish such selection procedures, service obligations, and other requirements as the Secretary considers appropriate for graduate students (other than medical students) in a postdoctoral, postgraduate, or technological institute established pursuant to section 2113(h) of this title.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to students attending the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act.

SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE OF PATHOLOGY TO OBTAIN ADDITIONAL DISTINGUISHED PATHOLOGISTS AND SCIENTISTS.

Section 176(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense.".

SEC. 734. AUTHORIZATION FOR AUTOMATED MEDICAL RECORD CAPABILITY TO BE INCLUDED IN MEDICAL INFORMATION SYSTEM.

(a) AUTOMATED MEDICAL RECORD CAPABILITY.—In carrying out the acquisition of the

Department of Defense medical information system referred to in section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900), the Secretary of Defense may permit an automated medical record capability to be included in the system. The Secretary may make such modifications to existing contracts, and include such specifications in future contracts, as the Secretary considers necessary to include such a capability in the system.

(b) PLAN.—The Secretary of Defense shall develop a plan to test the use of automated medical records at one or more military medical treatment facilities. Not later than January 15, 1994, the Secretary shall submit the plan to the Committees on Armed Services of the Senate and House of Representatives.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "medical information system" means a computer-based information system that—

(A) receives data normally recorded concerning patients;

(B) creates and maintains from such data a computerized medical record for each patient; and

(C) provides access to data for patient care, hospital administration, research, and medical care resource planning.

(2) The term "automated medical record" means a computer-based information system that—

(A) is available at the time and place of interaction between a patient and a health care provider;

(B) receives, stores, and provides access to relevant patient and other medical information in a single, logical patient record that is appropriately organized for clinical decision-making; and

(C) maintains patient confidentiality in conformance with all applicable laws and regulations.

SEC. 735. REPORT ON THE PROVISION OF PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the provision of primary and preventive health care services through military medical treatment facilities and the Civilian Health and Medical Program of the Uniformed Services to female members of the uniformed services and female covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code.

(b) CONTENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the number and types of health care providers who are providing health care services in military medical treatment facilities or through the Civilian Health and Medical Program of the Uniformed Services to female members and female covered beneficiaries.

(2) A description of the health care programs implemented (or planned) by the administering Secretaries to assess the health needs of women or to meet the special health needs of women.

(3) A description of the demographics of the population of female members and female covered beneficiaries and the leading categories of morbidity and mortality among such members and beneficiaries.

(4) A description of any actions, including the use of special pays and incentives, undertaken by the Secretary during fiscal year 1993—

(A) to ensure the retention of health care providers who are providing health care services to female members and female covered beneficiaries;

(B) to recruit additional health care providers to provide such health care services; and

(C) to replace departing health care providers who provided such health care services.

(5) A description of any existing or proposed programs to encourage specialization of health care providers in fields related to primary and preventive health care services for women.

(6) An assessment of any difficulties experienced by military medical treatment facilities or health care providers under the Civilian Health and Medical Program of the Uniformed Services in furnishing primary and preventive health care services for women and a description of the actions taken by the Secretary to resolve such difficulties.

(7) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to female members of the uniformed services and female covered beneficiaries.

(c) STUDY OF THE NEEDS OF FEMALE MEMBERS AND FEMALE COVERED BENEFICIARIES FOR HEALTH CARE SERVICES.—(1) As part of the report required by subsection (a), the Secretary shall conduct a study to determine the needs of female members of the uniformed services and female covered beneficiaries for health care services, including primary and preventive health care services for women.

(2) The study shall examine the health care needs of current female members and female covered beneficiaries and anticipated future female members and female covered beneficiaries, taking into consideration the anticipated size and composition of the Armed Forces in the year 2000 and the demographics of the entire United States.

(d) SUBMISSION AND REVISION.—The Secretary shall submit to Congress the report required by subsection (a) not later than October 1, 1994. The Secretary shall revise and resubmit the report to Congress not later than October 1, 1999.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "primary and preventive health care services for women" has the meaning given that term in section 1074d(b) of title 10, United States Code, as added by section 701(a)).

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of such title.

SEC. 736. 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, Ladd Air Force Base, 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 independent study required by subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization. The study shall, at a minimum, include the consideration of the following matters:

(1) Whether the series of medical 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 in the series of medical studies 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 medical 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.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the conduct of the independent study required by subsection (a) 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 the funds necessary 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 who provides for carrying out the independent study required by subsection (a), as the case may be, shall submit to Congress a report on the results of the study, including the matters referred to in subsection (b).

SEC. 737. AVAILABILITY OF REPORT REGARDING THE CHAMPUS CHIROPRACTIC DEMONSTRATION.

(a) AVAILABILITY OF REPORT.—Subject to subsection (b), the Secretary of Defense shall make available to interested persons upon request the report prepared by the Secretary evaluating the chiropractic demonstration that was conducted under the Civilian Health and Medical Program of the Uniformed Services and completed on March 31, 1992. The Secretary shall include with the report all data and analyses related to the demonstration.

(b) CHARGES.—The cost of making the report and related information available under subsection (a) shall be borne by the recipients at the discretion of the Secretary.

SEC. 738. SENSE OF CONGRESS REGARDING THE PROVISION OF ADEQUATE MEDICAL CARE TO COVERED BENEFICIARIES UNDER THE MILITARY MEDICAL SYSTEM.

(a) SENSE OF CONGRESS.—In order to provide covered beneficiaries under chapter 55 of title 10, United States Code, especially retired military personnel, with greater access to health care in medical facilities of the uniformed services, it is the sense of Congress that the Secretary of Defense should encourage the increased use in such facilities of physicians, dentists, or other health care professionals who are members of the reserve components of the Armed Forces and who are performing active duty, full-time National Guard duty, or inactive-duty training, if service in such facilities is consistent with the other military training requirements of these members.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "retired military personnel" means persons who are eligible for health

care in medical facilities of the uniformed services under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard duty", and "inactive-duty training" have the meanings given such terms in section 101(d) of such title.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Defense Technology and Industrial Base, Reinvestment and Conversion

SEC. 801. INDUSTRIAL PREPAREDNESS MANUFACTURING 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. Industrial Preparedness Manufacturing Technology Program

"The Secretary of Defense shall establish an Industrial Preparedness Manufacturing Technology program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following:

"2525. Industrial Preparedness Manufacturing Technology Program.".

(b) FUNDING.—Of the amounts authorized to be appropriated under section 201(d), $112,500,000 shall be available for the Industrial Preparedness Manufacturing Technology Program under section 2525 of title 10, United States Code, as added by subsection (a).

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 $2,000,000 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) SELECTION PROCESS.—In awarding grants and contracts under the program, the Director shall use a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code. Such selection process 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) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Director shall prescribe regulations for carrying out the program.

(g) FUNDING.—Of the amounts authorized to be appropriated under section 201, $20,000,000 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 six 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 Under Secretary of Commerce for Technology.

"(D) The Director of the Advanced Research Projects Agency.

"(E) The Director of the National Science Foundation.

"(F) 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.".

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) INFORMATION ON PROGRESS IN PROVIDING INFRASTRUCTURE ASSISTANCE REQUIRED IN ANNUAL REPORT.—Section 2323(i)(3) of title 10, United States Code, is amended by adding at the end the following:

"(D) A detailed description of the infrastructure assistance provided under subsection (c) during the preceding fiscal year and of the plans for providing such assistance during the fiscal year in which the report is submitted.".

(f) FUNDING.—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.

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 amount made available pursuant to 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) 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 out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

Subtitle C—Provisions to Revise and Consolidate Certain Defense Acquisition Laws

SEC. 821. REPEAL AND AMENDMENT OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY LAWS APPLICABLE TO DEPARTMENT OF DEFENSE GENERALLY.

(a) REPEALS.—The following provisions of law are repealed:

(1) Chapter 135 of title 10, United States Code (relating to encouragement of aviation).

(2) Section 2317 of title 10, United States Code (relating to encouragement of competition and cost savings).

(3) Section 2362 of title 10, United States Code (relating to testing requirements for wheeled or tracked vehicles).

(4) Section 2389 of title 10, United States Code (relating to purchases from the Commodity Credit Corporation and price adjustments for contracts for procurement of milk).

(5) Sections 2436 and 2437 of title 10, United States Code (relating to defense enterprise programs).

(6) Section 821 of Public Law 101-189 (103 Stat. 1503) (relating to certificate of independent price determination in certain Department of Defense contract solicitations).

(b) DELETION OF EXPIRING REPORT REQUIREMENT.—Effective February 1, 1994, section 2361 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 822. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

(a) INDUSTRIAL MOBILIZATION.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations

"(a) ORDERING AUTHORITY.—In time of war or when war is imminent, the President, through the Secretary of Defense, may order from any person or organized manufacturing industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

"(b) COMPLIANCE WITH ORDER REQUIRED.—A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

"(c) SEIZURE OF MANUFACTURING PLANTS UPON NONCOMPLIANCE.—In time of war or when war is imminent, the President, through the Secretary of Defense, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of Defense is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the armed forces if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

"(1) to give precedence to the order as prescribed in subsection (b);

"(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies, as ordered by the Secretary; or

"(3) to furnish them at a reasonable price as determined by the Secretary.

"(d) USE OF SEIZED PLANT.—The President, through the Secretary of Defense, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

"(e) COMPENSATION REQUIRED.—Each person or industry from whom products or materials are ordered under subsection (a) is entitled to fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

"(f) CRIMINAL PENALTY.—Whoever fails to comply with this section shall be imprisoned for not more than three years and fined under title 18.

"§ 2539. Industrial mobilization: plants; lists

"(a) LIST OF PLANTS EQUIPPED TO MANUFACTURE ARMS OR AMMUNITION.—The Secretary of Defense may maintain a list of all privately owned plants in the United States, and the territories, Commonwealths, and possessions of the United States, that are equipped to manufacture for the armed forces arms or ammunition, or parts thereof, and may obtain complete information of the kinds of those products manufactured or capable of being manufactured by each of those plants, and of the equipment and capacity of each of those plants.

"(b) LIST OF PLANTS CONVERTIBLE INTO AMMUNITION FACTORIES.—The Secretary of Defense may maintain a list of privately owned plants in the United States, and the territories, Commonwealths, and possessions of the United States, that are capable of being readily transformed into factories for the manufacture of ammunition for the armed forces and that have a capacity sufficient to warrant conversion into ammunition plants in time of war or when war is imminent, and may obtain complete information as to the equipment of each of those plants.

"(c) CONVERSION PLANS.—The Secretary of Defense may prepare comprehensive plans for converting each plant listed pursuant to subsection (b) into a factory for the manufacture of ammunition or parts thereof.

"§ 2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness

"The President may appoint a nonpartisan Board on Mobilization of Industries Essential for Military Preparedness, and may provide necessary clerical assistance, to organize and coordinate operations under sections 2538 and 2539 of this title.".

(2) Sections 4501, 4502, 9501, and 9502 of title 10, United States Code, are repealed.

(b) AVAILABILITY OF SAMPLES, DRAWINGS, INFORMATION, EQUIPMENT, MATERIALS, AND CERTAIN SERVICES.—(1) Subchapter V of chapter 148 of title 10, United States Code, is further amended by adding at the end the following:

"§ 2541. Availability of samples, drawings, information, equipment, materials, and certain services

"(a) AUTHORITY.—The Secretary of Defense and the secretaries of the military departments, under regulations prescribed by the Secretary of Defense and when determined by the Secretary of Defense or the Secretary concerned to be in the interest of national defense, may each—

"(1) sell, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any person or entity;

"(2) sell or lend government equipment or materials to any person or entity—

"(A) for use in independent research and development programs, subject to the condition that the equipment or material be used exclusively for such research and development; or

"(B) for use in demonstrations to a friendly foreign government; and

"(3) make available to any person or entity, at an appropriate fee, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items.

"(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a)(3) are confidential and may not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

"(c) FEES.—Fees for services made available under subsection (a)(3) shall be established in the regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

"(d) USE OF FEES.— Fees received for services made available under subsection (a)(3) may be credited to the appropriations or other funds of the activity making such services available.".

(2) Section 2314 of title 10, United States Code, is amended by inserting "or sale" after "procurement".

(3) Sections 4506, 4507, 4508, 9506, and 9507 of title 10, United States Code, are repealed.

(c) PROCUREMENT FOR EXPERIMENTAL PURPOSES.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2373. Procurement for experimental purposes

"(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may each buy ordnance, signal, and chemical activity supplies, including parts and accessories, and designs thereof, that the Secretary of Defense or the Secretary concerned considers necessary for experimental or test purposes in the development of the best supplies that are needed for the national defense.

"(b) PROCEDURES.—Purchases under this section may be made inside or outside the United States and by contract or otherwise. Chapter 137 of this title applies when such purchases are made in quantity.".

(2) Sections 4504 and 9504 of title 10, United States Code, are repealed.

(d) ACCEPTANCE OF GRATUITOUS SERVICES OF CERTAIN RESERVE OFFICERS.—(1) Chapter 11 of title 10, United States Code, is amended by inserting after section 278 the following new section:

"§ 279. Authority to accept certain gratuitous services of officers

"Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

"(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

"(2) in consultation upon matters relating to the armed forces.".

(2) Sections 4541 and 9541 of title 10, United States Code, are repealed.

SEC. 823. REPEAL OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

The following provisions of subtitles B and D of title 10, United States Code, are repealed:

(1) Sections 4505 and 9505 (relating to procurement of production equipment).

(2) Sections 4531 and 9531 (relating to procurement authorization).

(3) Section 4533 (relating to Army rations).

(4) Sections 4534 and 9534 (relating to subsistence supplies, contract stipulations, and place of delivery on inspection).

(5) Sections 4535 and 9535 (relating to purchase of exceptional subsistence supplies without advertising).

(6) Sections 4537 and 9537 (relating to assistance of United States mapping agencies with military surveys and maps).

(7) Sections 4538 and 9538 (relating to exchange and reclamation of unserviceable ammunition).

SEC. 824. CONSOLIDATION, REPEAL, AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE NAVY.

(a) REPEALS.—The following provisions of subtitle C of title 10, United States Code, are repealed:

(1) Section 7201 (relating to research and development, procurement, and construction of guided missiles).

(2) Section 7210 (relating to purchase of patents, patent applications, and licenses).

(3) Section 7213 (relating to relief of contractors and their employees from losses by enemy action).

(4) Section 7230 (relating to sale of degaussing equipment).

(5) Section 7296 (relating to availability of appropriations for other purposes).

(6) Section 7298 (relating to conversion of combatants and auxiliaries).

(7) Section 7301 (relating to estimates required for bids on construction).

(8) Section 7310 (relating to constructing combatant vessels).

(9) Chapter 635 (relating to naval aircraft).

(10) Section 7366 (relating to limitation on appropriations for naval salvage facilities).

(b) REVISION AND STREAMLINING OF CERTAIN PROVISIONS RELATING TO NAVAL VESSELS.—Chapter 633 of such title is amended by striking out sections 7304, 7305, 7306, 7307, 7308, and 7309 and inserting in lieu thereof the following:

"§ 7304. Examination of vessels; striking of vessels from Naval Vessel Register

"(a) BOARDS OF OFFICERS TO EXAMINE NAVAL VESSELS.—The Secretary of the Navy shall designate boards of naval officers to examine naval vessels, including unfinished vessels, for the purpose of making a recommendation to the Secretary as to which vessels, if any, should be stricken from the Naval Vessel Register. Each vessel shall be examined at least once every three years if practicable.

"(b) ACTIONS BY BOARD.—A board designated under subsection (a) shall submit to the Secretary in writing its recommendations as to which vessels, if any, among those it examined should be stricken from the Naval Vessel Register.

"(c) ACTION BY SECRETARY.—If the Secretary concurs with a recommendation by a board that a vessel should be stricken from the Naval Vessel Register, the Secretary shall strike the name of that vessel from the Naval Vessel Register.

"§ 7305. Vessels stricken from Naval Vessel Register: sale

"(a) APPRAISAL OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.—The Secretary of the Navy shall appraise each vessel stricken from the Naval Vessel Register under section 7304 of this title.

"(b) AUTHORITY TO SELL VESSEL.—If the Secretary considers that the sale of the vessel is in the national interest, the Secretary may sell the vessel. Any such sale shall be in accordance with regulations prescribed by the Secretary for the purposes of this section.

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section. In such a case, the Secretary may sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after the vessel is publicly advertised for sale for a period of not less than 30 days.

"(2) If the Secretary determines that the bid prices for a vessel received after advertising under paragraph (1) are not acceptable and that readvertising will serve no useful purpose, the Secretary may sell the vessel by negotiation to the highest acceptable bidder if—

"(A) each responsible bidder has been notified of intent to negotiate and has been given a reasonable opportunity to negotiate; and

"(B) the negotiated price is—

"(i) higher than the highest rejected price of any responsible bidder; or

"(ii) reasonable and in the national interest.

"(d) APPLICABILITY.—This section does not apply to a vessel the disposal of which is authorized by the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), if it is to be disposed of under that Act.

"§ 7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise

"(a) AUTHORITY TO MAKE TRANSFER.—Subject to subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register, or any captured vessel, to—

"(1) any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof;

"(2) the District of Columbia; or

"(3) any not-for-profit or nonprofit entity.

"(b) VESSEL TO BE MAINTAINED IN CONDITION SATISFACTORY TO SECRETARY.—An agreement for the transfer of a vessel under subsection (a) shall include a requirement that the transferee will maintain the vessel in a condition satisfactory to the Secretary.

"(c) TRANSFERS TO BE AT NO COST TO UNITED STATES.—Any transfer of a vessel under this section shall be made at no cost to the United States.

"(d) NOTICE TO CONGRESS.—(1) No transfer under this section takes effect unless—

"(A) notice of the proposal to make the transfer is sent to Congress; and

"(B) 60 days of continuous session of Congress have expired following the date on which such notice is sent to Congress.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

"§ 7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes

"(a) AUTHORITY.—The Secretary of the Navy may use for experimental purposes any vessel stricken from the Naval Vessel Register.

"(b) STRIPPING VESSEL.—(1) Before using a vessel for an experimental purpose pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to appropriations available for the procurement of scrapping services needed for such stripping. Amounts received which are in excess of amounts needed for procuring such services shall be deposited into the general fund of the Treasury.

"§ 7307. Disposals to foreign nations

"(a) LARGER OR NEWER VESSELS.—A naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) unless the disposition of that vessel is approved by law enacted after August 5, 1974. A lease or loan of such a vessel under such a law may be made only in accordance with the provisions of chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 et seq.) or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).

"(b) OTHER VESSELS.—(1) A naval vessel not subject to subsection (a) may be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) in accordance with applicable provisions of law, but only after—

"(A) the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives in writing of the proposed disposition; and

"(B) 30 days of continuous session of Congress have expired following the date on which such notice is sent to those committees.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

"§ 7308. Chief of Naval Operations: certification required for disposal of combatant vessels

"Notwithstanding any other provision of law, no combatant vessel of the Navy may be sold, transferred, or otherwise disposed of unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

"§ 7309. Construction of vessels in foreign shipyards: prohibition

"(a) PROHIBITION.—Except as provided in subsection (b), no vessel to be constructed for any of the armed forces, and no major component of the hull or superstructure of any such vessel, may be constructed in a foreign shipyard.

"(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

"(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.

"(c) EXCEPTION FOR INFLATABLE BOATS.—An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).

"§ 7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions

"(a) VESSELS WITH HOMEPORT IN UNITED STATES.—A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States may not be overhauled, repaired, or

maintained in a shipyard outside the United States, other than in the case of voyage repairs.

"(b) VESSEL CHANGING HOMEPORTS.—In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

SEC. 825. ADDITIONAL AUTHORITY TO CONTRACT FOR FUEL STORAGE AND MANAGEMENT.

(a) REVISION OF AUTHORITY.—Section 2388 of title 10, United States Code, is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) AUTHORITY TO CONTRACT.—The Secretary of Defense and the Secretary of a military department may each contract for storage facilities for, or the storage, handling, or distribution of, liquid fuels and natural gas.

"(b) PERIOD OF CONTRACT.—The period of a contract entered into under subsection (a) may not exceed 5 years. However, the contract may provide options for the Secretary to renew the contract for additional periods of not more than 5 years each, but not for more than a total of 20 years."; and

(2) in subsection (c), by inserting "OPTION TO PURCHASE FACILITY.—" after "(c)".

(b) SECTION HEADING AMENDMENT.—The heading of section 2388 of such title is amended to read as follows:

"§ 2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution".

SEC. 826. ADDITIONAL AUTHORITY RELATING TO THE ACQUISITION OF PETROLEUM AND NATURAL GAS.

(a) ACQUISITION, SALE, AND EXCHANGE OF NATURAL GAS.—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter above paragraph (1), by inserting "or natural gas" after "petroleum";

(B) in paragraph (1)—

(i) by inserting "or natural gas market conditions, as the case may be," after "petroleum market conditions"; and

(ii) by inserting "or acquisition of natural gas, respectively," after "acquisition of petroleum"; and

(C) in paragraph (2), by inserting "or natural gas, as the case may be," after "petroleum"; and

(2) in subsection (b), by inserting "or natural gas" in the second sentence after "petroleum".

(b) EXPANSION OF EXCHANGE AUTHORITY.—Subsection (c) of such section is amended to read as follows:

"(c) EXCHANGE AUTHORITY.—The Secretary of Defense may acquire petroleum, petroleum-related services, natural gas, or natural gas-related services by exchange of petroleum, petroleum-related services, natural gas, or natural gas-related services.".

(c) SALE OF PETROLEUM AND NATURAL GAS.—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) AUTHORITY TO SELL.—The Secretary of Defense may sell petroleum or natural gas of the Department of Defense if the Secretary determines that the sale would be in the public interest. The proceeds of such a sale shall be credited to appropriations of the Department of Defense for the acquisition of petroleum, petroleum-related services, natural gas, or natural gas-related services. Amounts so credited shall be available for obligation for the same period as the appropriations to which the amounts are credited.".

(d) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) SUBSECTION CAPTIONS.—Section 2404 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "WAIVER AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "SCOPE OF WAIVER.—" after "(b)"; and

(C) in subsection (e), as redesignated by subsection (c)(1), by inserting "PETROLEUM DEFINED.—" after "(e)".

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

"§ 2404. Acquisition of petroleum and natural gas: authority to waive contract procedures; acquisition by exchange; sales authority".

SEC. 827. AMENDMENT OF RESEARCH AUTHORITIES.

(a) AUTHORITY TO CONDUCT BASIC, ADVANCED, AND APPLIED RESEARCH.—Section 2358 of title 10, United States Code, is amended to read as follows:

"§ 2358. Research projects

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may engage in basic, advanced, and applied research and development projects that—

"(1) are necessary to the responsibilities of such Secretary's department in the field of basic, advanced, and applied research and development; and

"(2) either—

"(A) relate to weapons systems and other military needs; or

"(B) are of potential interest to such department.

"(b) AUTHORIZED MEANS.—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

"(1) by contract, cooperative agreement, or other transaction with, or by grant to, educational or research institutions, private businesses, or other agencies of the United States;

"(2) by using employees and consultants of the Department of Defense; or

"(3) through one or more of the military departments.

"(c) REQUIREMENT OF POTENTIAL MILITARY INTEREST.—Funds appropriated to the Department of Defense or to a military department may not be used to finance any research project or study unless the project or study is, in the opinion of the Secretary of Defense or the Secretary of that military department, respectively, of potential interest to the Department of Defense or to such military department, respectively.".

(b) AUTHORITY RELATED TO ADVANCED RESEARCH PROJECTS.—

(1) REPEAL OF REDUNDANT AUTHORITY.—Section 2371 of such title is amended—

(A) by striking out subsection (a);

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (a), (b), (c), (d), (e), and (f), respectively;

(C) in subsection (a), as redesignated by subparagraph (B)—

(i) in paragraph (1), by striking out "subsection (a)" and inserting in lieu thereof "section 2358 of this title"; and

(ii) in paragraph (2), by striking out "subsection (e)" and inserting in lieu thereof "subsection (d)";

(D) in subsection (d), as redesignated by subparagraph (B), by striking out "subsection (a)" and inserting in lieu thereof "section 2358 of this title"; and

(E) in subsection (e), as redesignated by subparagraph (B)—

(i) in paragraph (4), by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)"; and

(ii) in paragraph (5), by striking out "subsection (e)" and inserting in lieu thereof "subsection (d)".

(2) CONSISTENCY OF TERMINOLOGY.—Such section, as amended by paragraph (1), is further amended—

(A) in subsection (c)(1), by inserting "and development" after "research" both places it appears;

(B) in subsections (d) and (e)(3), by striking out "advanced research" and inserting in lieu thereof "research and development"; and

(C) in subsection (e)(1), by striking out "advanced research is" and inserting in lieu thereof "research and development are".

(c) REDUNDANT AND OBSOLETE AUTHORITY FOR THE ARMY AND THE AIR FORCE.—Sections 4503 and 9503 of title 10, United States Code, are repealed.

SEC. 828. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO ACQUISITION LAWS.

(a) AMENDMENTS TO TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of title 10, United States Code, listed in the following paragraphs is amended by striking out the items relating to the sections listed in such paragraphs:

(1) Chapter 137: section 2317.

(2) Chapter 139: section 2362.

(3) Chapter 141: section 2389.

(4) Chapter 144: sections 2436 and 2437.

(5) Chapter 433: sections 4531, 4533, 4534, 4535, 4537, 4538, and 4541.

(6) Chapter 631: sections 7201, 7210, 7213, and 7230.

(7) Chapter 633: sections 7296, 7298, and 7301.

(8) Chapter 637: section 7366.

(9) Chapter 933: sections 9531, 9534, 9535, 9537, 9538, and 9541.

(b) AMENDMENTS TO TABLES OF CHAPTERS.—

(1) The tables of chapters at the beginning of subtitle A, and part IV of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 135.

(2) The tables of chapters at the beginning of subtitle B, and part IV of subtitle B, of such title are amended by striking out the item relating to chapter 431.

(3) The tables of chapters at the beginning of subtitle C, and part IV of subtitle C, of such title are amended by striking out the item relating to chapter 635.

(c) ADDITIONAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 11 of title 10, United States Code, is amended by inserting after the item relating to section 278 the following new item:

"279. Authority to accept certain gratuitous services of officers.".

(2) The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

"2373. Procurement for experimental purposes.".

(3) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2388 and inserting in lieu thereof the following:

"2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution.".

(4) The table of sections at the beginning of chapter 141 of title 10, United States Code, is

amended by striking out the item relating to section 2404 and inserting in lieu thereof the following:

"2404. Acquisition of petroleum and natural gas: authority to waive contract procedures; acquisition by exchange; sales authority.".

(5) The table of sections at the beginning of subchapter V of chapter 148 of such title is amended by adding at the end the following new items:

"2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations.

"2539. Industrial mobilization: plants; lists.

"2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness.

"2541. Availability of samples, drawings, information, equipment, materials, and certain services.".

(6) Chapter 431 of such title is amended by striking out the chapter heading and the table of sections.

(7) The table of sections at the beginning of chapter 633 of such title is amended by striking out the items relating to sections 7304, 7305, 7306, 7307, 7308, 7309, and 7310 and inserting in lieu thereof the following:

"7304. Examination of vessels; striking of vessels from Naval Vessel Register.

"7305. Vessels stricken from Naval Vessel Register: sale.

"7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise.

"7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes.

"7307. Disposals to foreign nations.

"7308. Chief of Naval Operations: certification required for disposal of combatant vessels.

"7309. Construction of vessels in foreign shipyards: prohibition.

"7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions.".

(8)(A) Chapter 931 of such title is amended—

(i) by striking out the table of sections for subchapter I;

(ii) by striking out the headings for subchapters I and II;

(iii) by striking out the table of subchapters; and

(iv) by amending the chapter heading to read as follows:

"CHAPTER 931—CIVIL RESERVE AIR FLEET".

(B) The tables of chapters at the beginning of subtitle D, and part IV of subtitle D, of such title are amended by striking out the item relating to chapter 931 and inserting in lieu thereof the following:

"931. Civil Reserve Air Fleet ..... 9511".

(d) CROSS-REFERENCE AMENDMENTS.—(1) Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 415(a)(2)(B)(i)) is amended by striking out "section 7307(b)(1)" and inserting in lieu thereof "section 7307(a)".

(2) Section 2366(d) of title 10, United States Code, is amended by striking out "to the defense committees of Congress (as defined in section 2362(e)(3) of this title)." and inserting in lieu thereof "to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.".

69-059 O—97 Vol. 139 (Pt. 20) 11

Subtitle D—Defense Acquisition Pilot Programs

SEC. 831. 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. 832. 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 subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively; 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. 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 and Technology, 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, 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 specific authorization is provided for any defense acquisition program designated for participation in the Defense Acquisition Pilot Program, as required by section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), in a law authorizing appropriations for such program

enacted after the date of the enactment of this Act, and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for such defense acquisition program such sums as are necessary to carry out the next 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 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) ENCOURAGEMENT OF EXCELLENCE.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition work force of the Department of Defense and should provide an enhanced system of incentives, in accordance with the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510) and other applicable law, for the encouragement of excellence in the work force of a program participating in the Defense Acquisition Pilot Program.

(b) INCENTIVES.—The Secretary of Defense may 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 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 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.

Subtitle E—Other Matters

SEC. 841. REIMBURSEMENT OF INDIRECT COSTS OF INSTITUTIONS OF HIGHER EDUCATION UNDER DEPARTMENT OF DEFENSE CONTRACTS.

(a) PROHIBITION.—The Secretary of Defense may not by regulation place a limitation on the amount that the Department of Defense may reimburse an institution of higher education for allowable indirect costs incurred by the institution for work performed for the Department of Defense under a Department of Defense contract 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) WAIVER.—The Secretary of Defense may waive the application of the prohibition in subsection (a) in the case of a particular institution of higher education if the governing body of the institution requests the waiver in order to simplify the overall management by that institution of cost reimbursements by the Department of Defense for contracts awarded by the Department 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. 842. 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) EXCLUSION FROM DEFINITION OF ENTITY CONTROLLED BY FOREIGN GOVERNMENT.—Subsection (c)(1) of such section is amended by adding at the end the following: "Such term does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2536. Award of certain contracts to entities controlled by a foreign government: prohibition".

(2) The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of such title is amended to read as follows:

"2536. Award of certain contracts to entities controlled by a foreign government: prohibition.".

SEC. 843. REPORTS BY DEFENSE CONTRACTORS OF DEALINGS WITH TERRORIST COUNTRIES.

(a) REPORT REQUIREMENT.—(1) Whenever the Secretary of Defense proposes to enter into a contract with any person for an amount in excess of $5,000,000 for the provision of goods or services to the Department of Defense, the Secretary shall require that person—

(A) before entering into the contract, to report to the Secretary each commercial transaction which that person has conducted with the government of any terrorist country during the preceding three years or the period since the effective date of this section, whichever is shorter; and

(B) to report to the Secretary each such commercial transaction which that person conducts during the course of the contract (but not after the date specified in subsection (h)) with the government of any terrorist country.

(2) The requirement contained in paragraph (1)(B) shall be included in the contract with the Department of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this section.

(c) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense shall submit to the Congress each year by December 1 a report setting forth those persons conducting commercial transactions with terrorist countries that are included in the reports made pursuant to subsection (a) during the preceding fiscal year, the terrorist countries with which those transactions were conducted, and the nature of those transactions. The version of the report made available for public release shall exclude information exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(d) LIABILITY.—This section shall not be interpreted as imposing any liability on a person for failure to comply with the reporting requirement of subsection (a) if the failure to comply is caused solely by an act or omission of a third party.

(e) PERSON DEFINED.—For purposes of this section, the term "person" means a corporate or other business entity proposing to enter or entering into a contract covered by this section. The term does not include an affiliate or subsidiary of the entity.

(f) TERRORIST COUNTRY DEFINED.—A country shall be considered to be a terrorist country for purposes of a contract covered by this section if the Secretary of State has determined pursuant to law, as of the date that is 60 days before the date on which the contract is signed, that the government of that country is a government that has repeatedly provided support for acts of international terrorism.

(g) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act, or after the expiration of the 30-day period beginning on the date of publication in the Federal Register of the final regulations referred to in subsection (b), whichever is earlier.

(h) TERMINATION.—This section expires on September 30, 1996.

SEC. 844. 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 prescribe 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 prescribed pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a

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 the 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 prescribed pursuant to subsection (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

SEC. 845. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN 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 prototype projects that are directly relevant to weapons or weapon systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (c)(2) and (c)(3) of such section 2371, as redesignated by section 827(b)(1)(B), shall not apply to projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, use 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. 846. 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 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.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the Secretary of Defense 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 Secretary of Defense 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 Department of Defense 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. In addition, the contract may include a provision that requires the commercial entity to reimburse the Department of Defense for such indirect costs related to the use of the installation as the Secretary of Defense considers to be appropriate. The Secretary may delegate to the commander of the Major Range and Test Facility Installation the authority to determine the appropriateness of the amount of indirect costs included in such a contract provision.

"(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 Defense shall prescribe regulations to carry out this section.

"(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 Department of Defense and designated as a Major Range and Test Facility Installation 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 test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for a commercial entity to conduct test and evaluation activities.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of Defense by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1998, the Secretary of Defense shall submit to 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.".

SEC. 847. CONTRACT BUNDLING.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study regarding the impact of contract bundling on the participation of small business concerns (including small business concerns owned and controlled by socially and economically disadvantaged individuals) in procurement by the Department of Defense.

(b) PURPOSES OF STUDY.—In addition to such other matters as the Comptroller General considers appropriate, the study required by subsection (a) shall—

(1) catalog the benefits and adverse effects of contract bundling on Department of Defense contracting activities;

(2) catalog the benefits and adverse effects of contract bundling on small business concerns seeking to sell goods or services to the Department of Defense;

(3) catalog and assess the adequacy of the policy guidance applicable to procurement personnel of the Department of Defense regarding the bundling of contract requirements;

(4) review and analyze the data compiled pursuant to subsection (c) regarding the extent to which procuring activities of the Department of Defense have been bundling their requirements for the procurement of goods and services (including construction);

(5) review and assess the adequacy of the statements submitted by procuring activities of the Department of Defense pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) regarding bundling of contract requirements; and

(6) assess whether small business specialists of the Department of Defense or procurement center representatives of the Small Business Administration have adequate policy guidance and effective authority to make an independent assessment regarding proposed bundling of contract requirements.

(c) DATA ON CONTRACT BUNDLING.—

(1) DATA TO BE COMPILED.—For purposes of conducting the study required by subsection (a), the Secretary of Defense shall compile and furnish to the Comptroller General data regarding contracts awarded during fiscal years 1988, 1992, and 1993 that reflect the bundling of the types of contract requirements that were previously solicited and awarded as separate contract actions. With respect to such bundled contracts, the Secretary shall seek to furnish data regarding—

(A) the number and dollar value of such contract awards and the types of goods or services (including construction) that were procured;

(B) the number and estimated dollar value of requirements previously procured through separate contract actions which were included in each of the contract actions identified under subparagraph (A);

(C) any justifications (including estimates of cost savings) for the bundled contract actions identified under subparagraph (A); and

(D) the extent of participation by small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals under subcontracting plans pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(2) SUBMISSION TO THE COMPTROLLER GENERAL.—The Secretary of Defense shall furnish the data described in paragraph (1) to the Comptroller General not later than February 1, 1994.

(d) REPORT.—Not later than April 1, 1994, the Comptroller General shall submit to the Committees on Armed Services and Small Business of the Senate and House of Representatives a report containing the results of the study required by subsection (a). The report shall include recommendations for appropriate changes to statutes, regulations, policy, or practices that would ameliorate any identified adverse effects of contract bundling on the participation of small business concerns in procurements by the Department of Defense.

(e) DEFINITION.—For the purposes of this section, the terms "contract bundling" and "bundling of contract requirements" means the practice of consolidating two or more procurement requirements of the type that were previously solicited and awarded as separate smaller contracts into a single large contract solicitation likely to be unsuitable for award to a small business concern due to—

(1) the diversity and size of the elements of performance specified;

(2) the aggregate dollar value of the anticipated award;

(3) the geographical dispersion of the contract performance sites; or

(4) any combination of the factors described in paragraphs (1), (2), and (3).

SEC. 848. PROHIBITION ON COMPETITION BETWEEN DEPARTMENT OF DEFENSE AND SMALL BUSINESSES FOR CERTAIN MAINTENANCE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new section:

"§ 2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities

"(a) EXCLUSION.—In any case in which the Secretary of Defense plans to use competitive procedures for a procurement, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude the Department of Defense from competing in the procurement.

"(b) PROCUREMENT DESCRIPTION.—The requirement to exclude the Department of Defense under subsection (a) applies in the case of a procurement to be conducted by excluding from competition entities in the private sector other than—

"(1) small business concerns in furtherance of section 8 or 15 of the Small Business Act (15 U.S.C. 637 or 644); or

"(2) entities described in subsection (a)(1) of section 2323 of this title in furtherance of the goal specified in that subsection.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2304 the following new item:

"2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities.".

(b) EFFECTIVE DATE.—Section 2304a of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

SEC. 849. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated pursuant to this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act.

(b) PROHIBITION OF CONTRACTS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a 'Made in America' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) BUY AMERICAN ACT WAIVER RESCISSIONS.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(d) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 850. CLARIFICATION TO SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM ACT.

The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) in section 732, by striking out the second sentence; and

(2) in section 717, by adding at the end the following new subsection:

"(f) SIZE STANDARDS.—

"(1) IN GENERAL.—Any numerical size standard that is assigned to a standard industrial classification code (or a subdivision of such a code) for any of the designated industry groups described in subsections (b), (c), and (d) of this section and that was in effect on September 30, 1988, shall remain in effect for the duration of the Program (as specified in section 711(c)).

"(2) ENGINEERING SERVICES OTHER THAN ARCHITECTURAL AND ENGINEERING SERVICES.—The limitation imposed by paragraph (1) does not preclude modification to the numerical size standard assigned to those subdivisions of standard industrial classification code 8711 that are not subject to the Program, including—

"(A) engineering services—military and aerospace equipment and military weapons;

"(B) engineering services—marine engineering and naval architecture; or

"(C) any successor to a subdivision described in subparagraph (A) or (B).".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating sections 135, 136, 138, 139, 140, and 141 as sections 137, 138, 139, 140, 141, and 142, respectively; and

(2) by transferring section 137 (relating to the Comptroller) so as to appear after section 134a, redesignating that section as section 135, and amending that section by adding at the end the following new subsection:

"(d) The Comptroller takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Policy the following:

"Comptroller of the Department of Defense.".

(c) CONFORMING AMENDMENT.—Subsection (d) of section 138 of title 10, United States Code, as redesignated by subsection (a), is amended by inserting "and Comptroller" after "Under Secretaries of Defense".

SEC. 902. ADDITIONAL RESPONSIBILITIES OF THE COMPTROLLER.

(a) CHIEF FINANCIAL OFFICER.—(1) Section 135 of title 10, United States Code, as redesignated and amended by section 901, is further amended in subsection (b)—

(A) by inserting after "(b)" the following: "The Comptroller is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31."; and

(B) by inserting "additional" after "shall perform such".

(2) Section 5315 of title 5, United States Code, is amended by striking out the following:

"Chief Financial Officer, Department of Defense.".

(b) CONGRESSIONAL INFORMATION RESPONSIBILITIES.—Such section is further amended by adding after subsection (d), as added by section 901(a)(2), the following new subsection:

"(e) The Comptroller shall ensure that the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each informed, in a timely manner, 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. NEW POSITION OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135, as transferred and redesignated by section 901(a), the following new section:

"§ 136. Under Secretary of Defense for Personnel and Readiness

"(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange,

commissary, and nonappropriated fund activities, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Comptroller.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Comptroller of the Department of Defense, as added by section 901(b), the following:

"Under Secretary of Defense for Personnel and Readiness.".

(c) OFFSETTING REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Subsection (a) of section 138 of title 10, United States Code, as redesignated by section 901(a), is amended by striking out "eleven" and inserting in lieu thereof "ten".

(2) Section 5315 of title 5, United States Code, is amended by striking out "Assistant Secretaries of Defense (11)" and inserting in lieu thereof "Assistant Secretaries of Defense (10)".

SEC. 904. REDESIGNATION OF POSITIONS OF UNDER SECRETARY AND DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

(a) REDESIGNATIONS.—The office of Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Under Secretary of Defense for Acquisition and Technology. The office of Deputy Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Deputy Under Secretary of Defense for Acquisition and Technology.

(b) USD CHARTER AMENDMENTS.—(1) Section 133 of title 10, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition and Technology".

(c) DUSD CHARTER AMENDMENTS.—(1) Section 133a of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" in subsections (a) and (b) and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§ 133a. Deputy Under Secretary of Defense for Acquisition and Technology".

(d) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) The following sections of title 10, United States Code, are amended by striking out "Under Secretary of Defense for Acquisition" each place such term appears (including section headings) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology": sections 134(c), 137(b) (as redesignated by section 901(a)), 139 (as redesignated by section 901(a)), 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722, 1735(c), 1737(c), 1741(b), 1746(a), 1761(b)(4), 1762(a), 1763, 2304(f), 2308(b), 2325(b), 2329, 2350a, 2369, 2399(b)(3), 2435(b)(2)(B), 2438(c), 2523(a), and 2534(b)(2).

(2) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 of such title is amended to read as follows:

"1702. Under Secretary of Defense for Acquisition and Technology: authorities and responsibilities.".

(3) Section 171(a)(8) of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(e) CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5313 of title 5, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) Section 5314 of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(f) REFERENCES IN OTHER LAWS.—Any reference to the Under Secretary of Defense for Acquisition or the Deputy Under Secretary of Defense for Acquisition in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense for Acquisition and Technology or the Deputy Under Secretary of Defense for Acquisition and Technology, respectively.

SEC. 905. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

Section 138(b) of title 10, United States Code, as redesignated by section 901(a)(1), 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. 906. FURTHER CONFORMING AMENDMENTS TO CHAPTER 4 OF TITLE 10, UNITED STATES CODE.

(a) COMPOSITION OF OSD.—Subsection (b) of section 131 of title 10, United States Code, is amended to read as follows:

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretary of Defense for Acquisition and Technology.

"(3) The Under Secretary of Defense for Policy.

"(4) The Comptroller.

"(5) The Under Secretary of Defense for Personnel and Readiness.

"(6) The Director of Defense Research and Engineering.

"(7) The Assistant Secretaries of Defense.

"(8) The Director of Operational Test and Evaluation.

"(9) The General Counsel of the Department of Defense.

"(10) The Inspector General of the Department of Defense.

"(11) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"Sec.
"131. Office of the Secretary of Defense.
"132. Deputy Secretary of Defense.
"133. Under Secretary of Defense for Acquisition and Technology.
"133a. Deputy Under Secretary of Defense for Acquisition and Technology.
"134. Under Secretary of Defense for Policy.
"134a. Deputy Under Secretary of Defense for Policy.
"135. Comptroller.
"136. Under Secretary of Defense for Personnel and Readiness.
"137. Director of Defense Research and Engineering.
"138. Assistant Secretaries of Defense.
"139. Director of Operational Test and Evaluation.
"140. General Counsel.
"141. Inspector General.
"142. Assistant to the Secretary of Defense for Atomic Energy.".

SEC. 907. DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Subsection (c) of section 139 of title 10, United States Code, as redesignated by section 901(a)(1), is amended—

(1) by striking out the first sentence;

(2) by striking out "Director of Defense Research and Engineering" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(3) by striking out "research and development" and inserting in lieu thereof "acquisition".

Subtitle B—Professional Military Education

SEC. 921. CONGRESSIONAL FINDINGS CONCERNING PROFESSIONAL MILITARY EDUCATION SCHOOLS.

The Congress finds that—

(1) the primary mission of the professional military education schools of the Army, Navy, Air Force, and Marine Corps is to provide military officers with expertise in their particular warfare specialties and a broad and deep understanding of the major elements of their own service;

(2) the primary mission of the joint professional military education schools is to provide military officers with expertise in the integrated employment of land, sea, and air forces, including matters relating to national security strategy, national military strategy, strategic planning and contingency planning, and command and control of combat operations under unified command; and

(3) there is a continuing need to maintain professional military education schools for the Armed Forces and separate joint professional military education schools.

SEC. 922. AUTHORITY FOR AWARD BY NATIONAL DEFENSE UNIVERSITY OF CERTAIN MASTER OF SCIENCE DEGREES.

(a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2163. National Defense University: masters of science in national security strategy and in national resource strategy

"(a) NATIONAL WAR COLLEGE DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the National War College, may confer the degree of master of science of national security strategy upon graduates of the National War College who fulfill the requirements for the degree.

"(b) ICAF DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the Industrial College of the Armed Forces, may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who fulfill the requirements for the degree.

"(c) REGULATIONS.—The authority provided by subsections (a) and (b) shall be exercised under regulations 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:

"2163. National Defense University: masters of science in national security strategy and in national resource strategy.".

SEC. 923. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—(1) Section 1595 of title 10, United States Code, is amended to read as follows:

"§ 1595. Civilian faculty members at certain Department of Defense schools: employment and compensation

"(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the institutions specified in subsection (c) as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) COVERED INSTITUTIONS.—This section applies with respect to the following institutions of the Department of Defense:

"(1) The National Defense University.

"(2) The Foreign Language Center of the Defense Language Institute.

"(3) The George C. Marshall European Center for Security Studies.

"(d) APPLICATION TO FACULTY MEMBERS AT NDU.—(1) In the case of the National Defense University, this section applies with respect to persons selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after February 27, 1990.

"(2) For purposes of this section, the National Defense University includes the National War College, the Armed Forces Staff College, the Institute for National Strategic Study, and the Industrial College of the Armed Forces.

"(e) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT GEORGE C. MARSHALL CENTER.—In the case of the George C. Marshall European Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. Civilian faculty members at certain Department of Defense schools: employment and compensation.".

(b) CONFORMING AMENDMENT.—Section 5102(c)(10) of title 5, United States Code, as amended by section 533(c), is amended by inserting "(and, in the case of the George C. Marshall European Center for Security Studies, the Director and the Deputy Director)" after "professional military education school".

Subtitle C—Joint Officer Personnel Policy

SEC. 931. REVISION OF GOLDWATER-NICHOLS REQUIREMENT OF SERVICE IN A JOINT DUTY ASSIGNMENT BEFORE PROMOTION TO GENERAL OR FLAG GRADE.

(a) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 619 the following new section:

"§ 619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions

"(a) GENERAL RULE.—An officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may not be appointed to the grade of brigadier general or rear admiral (lower half) unless the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title).

"(b) EXCEPTIONS.—Subject to subsection (c), the Secretary of Defense may waive subsection (a) in the following circumstances:

"(1) When necessary for the good of the service.

"(2) In the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

"(3) In the case of—

"(A) a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;

"(B) a chaplain; or

"(C) a judge advocate.

"(4) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general or rear admiral (lower half) while serving in a joint duty assignment if—

"(A) at least 180 days of that joint duty assignment have been completed on the date of the convening of that selection board; and

"(B) the officer's total consecutive service in joint duty assignments within that immediate organization is not less than two years.

"(5) In the case of an officer who served in a joint duty assignment that began before January 1, 1987, if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

"(c) WAIVER TO BE INDIVIDUAL.—A waiver may be granted under subsection (b) only on a case-by-case basis in the case of an individual officer.

"(d) SPECIAL RULE FOR GOOD-OF-THE-SERVICE WAIVER.—In the case of a waiver under subsection (b)(1), the Secretary shall provide that the first duty assignment as a general or flag officer of the officer for whom the waiver is granted shall be in a joint duty assignment.

"(e) LIMITATION ON DELEGATION OF WAIVER AUTHORITY.—The authority of the Secretary of Defense to grant a waiver under subsection (b) (other than under paragraph (1) of that subsection) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (b)(2) those categories of officers for which selection for promotion to brigadier general or, in the case of the Navy, rear admiral (lower half) is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

"(g) TRANSITION WAIVER AUTHORITIES.—(1)(A) Until January 1, 1999, the Secretary of Defense may waive subsection (a) 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 the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

"(B) Of the total number of appointments to the grades of brigadier general and rear admiral (lower half) for officers on the active-duty lists of the Army, Navy, Air Force, and Marine Corps during each of the years 1995 through 1999, the number in any such year that are made using a waiver under subparagraph (A) may not exceed the applicable percentage of such total determined as follows:

"Year:	Applicable Percentage:
1995	20
1996	15
1997	10
1998	5.

"(C) The provisions of subsections (c) and (e) apply to waivers under this paragraph in the same manner as to waivers under subsection (b).

"(2) Until January 1, 1999, the Secretary of Defense may waive subsection (d) in the case of an officer granted a waiver of subsection (a) under the authority of subsection (b)(1).

"(3)(A) An officer described in subparagraph (B) may not be appointed to the grade of lieutenant general or vice admiral until the officer completes a full tour of duty in a joint duty assignment.

"(B) Subparagraph (A) applies to an officer—

"(i) who is promoted after January 1, 1994, to the grade of brigadier general or rear admiral (lower half) and who receives a waiver of subsection (a) under the authority of paragraph (1) of this subsection; or

"(ii) who receives a waiver of subsection (d) under the authority of paragraph (2) of this subsection.

"(h) SPECIAL TRANSITION RULES FOR NUCLEAR PROPULSION OFFICERS.—(1) Until January 1, 1997, an officer of the Navy designated as a qualified nuclear propulsion officer may be appointed to the grade of rear admiral (lower half) without regard to subsection (a). An officer so appointed may not be appointed to the grade of rear admiral until the officer completes a full tour of duty in a joint duty assignment.

"(2) Not later than March 1 of each year from 1994 through 1997, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation during the preceding calendar year of the transition plan developed by the Secretary pursuant to section 1305(b) of Public Law 100-180 (10 U.S.C. 619a note) with respect to service by qualified nuclear propulsion officers in joint duty assignments.".

(b) CONFORMING REPEAL.—Section 619 of title 10, United States Code, is amended by striking out subsection (e).

(c) CLERICAL AMENDMENTS.—(1) The heading of section 619 is amended to read as follows:

"§ 619. Eligibility for consideration for promotion: time-in-grade and other requirements.

(2) The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking out the item relating to section 619 and inserting in lieu thereof the following new items:

"619. Eligibility for consideration for promotion: time-in-grade and other requirements.

"619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions.".

(d) REPORT ON PLANS FOR COMPLIANCE WITH SECTION 619a.—Not later than February 1, 1994, the Secretary of Defense shall certify to Congress that the Army, Navy, Air Force, and Marine Corps have each developed and implemented a plan for their officer personnel assignment and promotion policies so as to ensure compliance with the requirements of section 619a of title 10, United States

Code, as added by subsection (a). Each such plan should particularly ensure that by January 1, 1999, the service covered by the plan shall have enough officers who have completed a full tour of duty in a joint duty assignment so as to permit the orderly promotion of officers to brigadier general or, in the case of the Navy, rear admiral (lower half) pursuant to the requirements of chapter 38 of title 10, United States Code.

(e) ADDITIONAL INFORMATION TO BE INCLUDED IN THE NEXT FIVE ANNUAL JOINT OFFICER POLICY REPORTS.—The Secretary of Defense shall include as part of the information submitted to Congress pursuant to section 667 of title 10, United States Code, for each of the next five years after the date of the enactment of this Act the following:

(1) The degree of progress made toward meeting the requirements of section 619a of title 10, United States Code.

(2) The compliance achieved with each of the plans developed pursuant to subsection (d).

(f) EXTENSION OF TRANSITION PLAN FOR NUCLEAR PROPULSION OFFICERS.—(1) Section 1305(b) of Public Law 101-180 (10 U.S.C. 619a note) is amended by striking out "January 1, 1994" each place it appears and inserting in lieu thereof "January 1, 1997".

(2) The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall revise the transition plan developed pursuant to section 1305(b) of Public Law 101-180 to take account of the amendments made by subsection (a) and by paragraph (1) of this subsection. The Secretary shall include with the next report of the Secretary after the date of the enactment of this Act under section 619a(h)(2) of title 10, United States Code, as added by subsection (a), a report on the actions of the Secretary in revising such transition plan.

(3) Such section is further amended by striking out "nuclear populsion" in paragraph (1)(B) and inserting in lieu thereof "nuclear propulsion".

SEC. 932. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—(1) An officer described in paragraph (2) may (subject to paragraph (3)) be given credit for service in a joint duty assignment pursuant to the provisions 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), notwithstanding the expiration (under subsection (e) of that section) of authority to give such credit under that section.

(2) Paragraph (1) applies—

(A) in the case of an officer who was recommended for such credit under subsection (a)(3) of that section before the expiration (under subsection (e) of that section) of authority to give such credit, but for whom such credit either was denied or was granted as credit for less than a full tour of duty in a joint duty assignment; and

(B) in the case of an officer who did not submit a timely request for consideration for such credit.

(3)(A) In the case of an officer described in paragraph (2)(A), joint duty credit may be granted by reason of this subsection only if the Secretary determines that the decision not to give the credit or not to give greater credit, as the case may be, to that officer was incorrect.

(B) In the case of an officer described in paragraph (2)(B), joint duty credit may be granted by reason of this subsection only if the Secretary determines that the officer's ability to submit a timely request was impaired by involvement of the officer in an operational assignment and, as a result of the failure to submit such a timely request, the officer was not recommended for such credit.

(b) DURATION OF AUTHORITY.—Subsection (a) expires at the end of the 90-day period beginning on the date of the enactment of this Act.

(c) CLARIFICATION OF INTENDED RELATIONSHIP BETWEEN CREDIT AND PROMOTIONS.—(1) Section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2476; 10 U.S.C. 644 note) is amended by striking out "chapter 38 of" and inserting in lieu thereof "any provision of".

(2) Any joint duty service credit given to an officer under section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 before the date of the enactment of this Act may be applied to any provision of title 10, United States Code.

SEC. 933. FLEXIBILITY FOR REQUIRED POST-EDUCATION JOINT DUTY ASSIGNMENT.

(a) IN GENERAL.—Subsection (d) of section 663 of title 10, United States Code, is amended to read as follows:

"(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

"(2)(A) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a joint professional military education school who do not have the joint specialty shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized in subparagraph (B), as their second duty assignment after such graduation.

"(B) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the joint duty assignment requirement in subparagraph (A) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a joint professional military education school.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 941. ARMY RESERVE COMMAND.

Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1620; 10 U.S.C. 3074 note) is amended—

(1) in subsection (a), by striking out "shall be a major subordinate command of Forces Command" and inserting in lieu thereof "shall be a separate command of the Army commanded by the Chief, Army Reserve";

(2) in subsection (b)(2), by striking out "Commander-in-Chief, Forces Command" and inserting in lieu thereof "Commander-in-Chief, United States Atlantic Command"; and

(3) by striking out subsections (c) through (e).

SEC. 942. FLEXIBILITY IN ADMINISTERING REQUIREMENT FOR ANNUAL FOUR PERCENT REDUCTION IN NUMBER OF PERSONNEL ASSIGNED TO HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

Section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1622) is amended by adding at the end the following: "If the number by which the number of such personnel is reduced during any of fiscal years 1991, 1992, 1993, or 1994 is greater than the number required under the preceding sentence, the excess number from that fiscal year may be applied by the Secretary toward the required reduction during a subsequent fiscal year (so that the total reduction under this section need not exceed the number equal to five times the required reduction number specified under the preceding sentence).".

SEC. 943. REPORT ON DEPARTMENT OF DEFENSE BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit, in classified and unclassified forms, to the Committees on Armed Services of the Senate and House of Representatives a report on aspects of the comprehensive review of Department of Defense activities ordered by the Secretary of Defense and identified as the "Bottom Up Review" (hereinafter in this section referred to as the "Review") that were not included in the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review". The report shall include the following information:

(1) A presentation of the process, structure, and scope of the Review, including all programs and policies examined by the Review.

(2) The various force structure, strategy, budgetary, and programmatic options considered as part of the Review.

(3) A description of any threat assessment or defense planning scenario used in conducting the Review.

(4) The criteria used in the development, review, and selection of the alternative strategy, force structure, programmatic, budgetary, and other options considered in the Review.

(5) A detailed description and break out of the resource savings and costs resulting from the recommendations stated in the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review".

(6) Presentation of changes as a result of the Review in each of the following:

(A) The National Security Strategy of the United States, as described in the January 1993 report entitled "National Security Strategy of the United States", issued by former President Bush.

(B) The National Military Strategy of the United States, as described in the January 1993 report entitled, "Annual Report to the President and the Congress" from former Secretary of Defense Cheney.

(C) The military force structure and active and reserve personnel end strength, as described in the January 1993 report entitled "Annual Report to the President and the Congress" from former Secretary of Defense Cheney.

(D) The roles and functions of the military departments and the roles and functions of the unified commands as set out in the Unified Command Plan.

(E) Cost, schedule, and inventory objectives for major defense acquisition programs (as defined in section 2430 of title 10, United States Code) altered as a result of the Review.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than

the date on which the budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code.

SEC. 944. REPEAL OF TERMINATION OF REQUIREMENT FOR A DIRECTOR OF EXPEDITIONARY WARFARE IN THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.

Subsection (e) of section 5038 of title 10, United States Code, is repealed.

SEC. 945. CINC INITIATIVE FUND.

Of the amounts authorized to be appropriated pursuant to section 301 for Defense-wide activities, $30,000,000 shall be made available for the CINC Initiative Fund.

Subtitle E—Commission on Roles and Missions of the Armed Forces

SEC. 951. FINDINGS.

Congress makes the following findings:

(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

(2) Many analysts believe that a realignment of those roles and mission is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has not produced the comprehensive review envisioned by Congress.

(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

SEC. 952. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Roles and Missions of the Armed Forces (hereinafter in this subtitle referred to as the "Commission").

(b) COMPOSITION AND QUALIFICATIONS.—(1) The Commission shall be composed of seven members. Members of the Commission shall be appointed by the Secretary of Defense.

(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

(3) The Secretary shall designate one of the members as chairman of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL ORGANIZATIONAL REQUIREMENTS.—(1) The Secretary shall make all appointments to the Commission within 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 953. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

(2) evaluate and report on alternative allocations of those roles, missions, and functions; and

(3) make recommendations for changes in the current definition and distribution of those roles, missions, and functions.

(b) REVIEW OF POTENTIAL MILITARY OPERATIONS.—The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

(1) Defense of the United States.

(2) Warfare against other national military forces.

(3) Participation in peacekeeping, peace enforcement, and other nontraditional activities.

(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

(5) Support of law enforcement.

(6) Other types of operations as specified by the chairman of the Commission.

(c) COMMISSION TO DEFINE BROAD MISSION AREAS AND KEY SUPPORT REQUIREMENTS.—As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

(d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR ORGANIZATIONAL ALLOCATIONS.—The Commission shall develop a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider—

(1) static efficiency (such as duplicative overhead and economies of scale);

(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

(5) division of responsibility on the battlefield;

(6) exploitation of new technology and operational concepts;

(7) the degree of disruption that a change in roles and missions would entail; and

(8) the experience of other nations.

(e) RECOMMENDATIONS CONCERNING MILITARY ROLES AND MISSIONS.—Based upon the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend—

(1) the functions for which each military department should organize, train, and equip forces;

(2) the missions of combatant commands; and

(3) the roles that Congress should assign to the various military elements of the Department of Defense.

(f) RECOMMENDATIONS CONCERNING CIVILIAN ELEMENTS OF DEPARTMENT OF DEFENSE.—The Commission may address the roles, missions, and functions of civilian portions of the Department of Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, missions, and functions.

(g) RECOMMENDATIONS CONCERNING PROCESS FOR FUTURE CHANGES.—The Commission shall also recommend a process for continuing to adapt the roles, missions, and functions of the Armed Forces to future changes in technology and in the international security environment.

SEC. 954. REPORTS.

(a) IMPLEMENTATION PLAN.—Not later than three months after the date on which all members of the Commission have been appointed, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth its plan for the work of the Commission. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

(b) COMMISSION REPORT.—The Commission shall, not later than one year after the date of its first meeting, submit to the committees named in subsection (a) and to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislation that the Commission considers advisable.

(c) ACTION BY SECRETARY OF DEFENSE.—The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit comments on the Commission's report to the committees referred to in subsection (b) not later than 90 days following receipt of the report.

SEC. 955. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 956. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the chairman.

(b) QUORUM.—(1) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 957. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Each member of the Commission shall be paid at a rate equal to

the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 958. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) TRAVEL.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 959. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 960. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the last day of the sixteenth month that begins after the date of its first meeting, but not earlier than 30 days after the date of the Secretary of Defense's submission of comments on the Commission's report.

TITLE X—ENVIRONMENTAL PROVISIONS

SEC. 1001. ANNUAL ENVIRONMENTAL REPORTS.

(a) REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—Subsection (a) of section 2706 of title 10, United States Code, is amended to read as follows:

"(a) REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental restoration activities at military installations.

"(2) Each such report shall include, with respect to environmental restoration activities for each military installation, the following:

"(A) A statement of the number of sites at which a hazardous substance has been identified.

"(B) A statement of the status of response actions proposed for or initiated at the military installation.

"(C) A statement of the total cost estimated for such response actions.

"(D) A statement of the amount of funds obligated by the Secretary for such response actions, and the progress made in implementing the response actions during the fiscal year preceding the year in which the report is submitted, including an explanation of—

"(i) any cost overruns for such response actions, if the amount of funds obligated for those response actions exceeds the estimated cost for those response actions by the greater of 15 percent of the estimated cost or $10,000,000; and

"(ii) any deviation in the schedule (including a milestone schedule specified in an agreement, order, or mandate) for such response actions of more than 180 days.

"(E) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, such response actions during the fiscal year in which the report is submitted.

"(F) A statement of the amount of funds requested for such response actions for the five fiscal years following the fiscal year in which the report is submitted, and the anticipated progress in implementing such response actions for the fiscal year for which the budget is submitted.

"(G) A statement of the total costs incurred for such response actions as of the date of the submission of the report.

"(H) A statement of the estimated cost of completing all environmental restoration activities required with respect to the military installation, including, where relevant, the estimated cost of such activities in each of the five fiscal years following the fiscal year in which the report is submitted.

"(I) A statement of the estimated schedule for completing all environmental restoration activities at the military installation.

(b) REPORT ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.—Subsection (b) of section 2706 of such title is amended to read as follows:

"(b) REPORT ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental compliance activities at military installations.

"(2) Each such report shall include the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted, setting forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

"(B) A statement of the funding levels and full-time personnel requested for such purposes in the budget submitted by the President at the same time as the report, including—

"(i) an explanation of any differences between the funding level and personnel requirements and the funding level and personnel requests in the budget; and

"(ii) a statement setting forth separately the funding levels and full-time personnel requested for the Department of Defense as a whole and for each military installation.

"(C) A projection of the funding levels and the number of full-time personnel that will be required over the five fiscal years following the fiscal year in which the report is submitted for the Department of Defense to comply with applicable environmental laws, setting forth separately such projections for the Department of Defense as a whole and for each military installation.

"(D) An analysis of the effect that compliance with such environmental laws may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

"(E) A statement of the funding levels requested in the budget submitted by the President at the same time as the report for carrying out research, development, testing, and evaluation for environmental purposes or environmental activities of the Department of Defense. The statement shall set forth separately the funding levels requested for the Department of Defense as a whole and for each military department and Defense Agency.

"(F) A description of the number and duties of all current full-time civilian and military personnel who carry out environmental activities (including research) for the Department of Defense, including a description of the organizational structure of such personnel from the Secretary of Defense down to the military installation level.

"(G) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted.".

(c) REPORT ON CONTRACTOR REIMBURSEMENT COSTS.—Section 2706 of such title is amended by adding at the end the following new subsection:

"(c) REPORT ON CONTRACTOR REIMBURSEMENT COSTS.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on payments made by the Secretary to defense contractors for the costs of environmental response actions.

"(2) Each such report shall include, for the fiscal year preceding the year in which the report is submitted, the following:

"(A) An estimate of the payments made by the Secretary to any defense contractor (other than a response action contractor) for the costs of environmental response actions at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.

"(B) A statement of the amount and current status of any pending requests by any defense contractor (other than a response action contractor) for payment of the costs of environmental response actions at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.".

(d) DEFINITIONS.—Section 2706 of such title, as amended by subsection (c), is further amended by adding at the end the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'defense contractor'—

"(A) means an entity (other than an entity referred to in subparagraph (B)) that is one of the top 100 entities receiving the largest dollar volume of prime contract awards by the Department of Defense during the fiscal year covered by the report; and

"(B) does not include small business concerns, commercial companies (or segments of commercial companies) providing commercial items to the Department of Defense.

"(2) The term 'military installation' has the meaning given such term in section 2687(e) of this title, except that such term does not include a homeport facility for any ship and includes—

"(A) each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense;

"(B) each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances; and

"(C) each facility or site at which the Secretary is conducting environmental restoration activities.

"(3) The term 'response action contractor' has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)).".

(e) TIME OF SUBMISSION OF CERTAIN REPORTS.—(1) A report submitted in 1994 under subsection (a) of section 2706 of title 10, United States Code, as amended by subsection (a), and under subsection (b) of such section, as amended by subsection (b), shall be submitted not later than March 31, 1994.

(2) A report under subsection (c) of section 2706 of such title, as added by subsection (c), shall be submitted for fiscal years beginning with fiscal year 1993. Any such report that is submitted for fiscal year 1993 or fiscal year 1994 shall be submitted not later than February 1, 1995.

SEC. 1002. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY FOR RELEASES OF PETROLEUM AND PETROLEUM DERIVATIVES.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2687 note) is amended by striking out "hazardous substance or pollutant or contaminant" in subsections (a) and (d) and inserting in lieu thereof "hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative".

SEC. 1003. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) COMPLIANCE BY NAVY SHIPS 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 "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.

"(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.".

(b) 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 ships 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 to the Convention.

"(2) Not later than 3 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, 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 ships 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 ships 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.".

(c) COMPLIANCE MEASURES.—Section 3 of such Act is amended by inserting after subsection (d), as redesignated by subsection (b)(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 to 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) Except when necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea, it shall be a violation of this Act for a ship referred to in subsection (b)(1)(A) of this section that is owned or operated by the Department of the Navy:

"(A) With regard to a submersible, to discharge buoyant garbage or garbage that contains more than the minimum amount practicable of plastic.

"(B) With regard to a surface ship, to discharge plastic contaminated by food during the last 3 days before the ship enters port.

"(C) With regard to a surface ship, to discharge plastic, except plastic that is contaminated by food, during the last 20 days before the ship enters port.

"(4) The Secretary of Defense shall publish in the Federal Register:

"(A) Beginning on October 1, 1994, and each year thereafter until October 1, 2000, the amount and nature of the discharges in special areas, not otherwise authorized under Annex V to the Convention, 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.

"(B) Beginning on October 1, 1996, and each year thereafter until October 1, 1998, a list of the names of such ships equipped with plastic processors pursuant to section 1003(e) of the National Defense Authorization Act for Fiscal Year 1994.".

(d) WAIVER AUTHORITY.—Section 3 of such Act, as amended by subsection (c), 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 subsection (c) of this section and in subsection 1003(e) of the National Defense Authorization Act for Fiscal Year 1994 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 one year. The President shall submit to the Congress each January a report on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(e) 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 owned or operated by the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a ship owned or operated by the Navy.

(3) Not later than March 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 25 percent of the ships owned or operated by the Navy that require plastics processors to comply with section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (a), (b), and (c) of this section.

(4) 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 owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(5) 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 owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(6) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(f) DEFINITION.—Section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph (9):

"(9) 'submersible' means a submarine, or any other vessel designed to operate under water; and".

SEC. 1004. EXTENSION OF APPLICABILITY PERIOD FOR REIMBURSEMENT FOR CERTAIN LIABILITIES ARISING UNDER HAZARDOUS WASTE CONTRACTS.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out "and 1993" and inserting in lieu thereof "through 1996".

SEC. 1005. 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.

TITLE XI—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1101. 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 $2,000,000,000.

(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. 1102. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Department of Justice.

SEC. 1103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee on conference to accompany the bill H.R. 2401 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for that program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1104. 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. 1105. COMPTROLLER GENERAL AUDITS OF ACCEPTANCE BY DEPARTMENT OF DEFENSE OF PROPERTY, SERVICES, AND CONTRIBUTIONS.

(a) PROPERTY AND SERVICES FROM FOREIGN COUNTRIES IN CONNECTION WITH CERTAIN AGREEMENTS.—Subsection (d) of section 2350g of title 10, United States Code, is amended to read as follows:

"(d) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.".

(b) DEFENSE COOPERATION ACCOUNT.—(1) Subsection (i) of section 2608 of such title is amended to read as follows:

"(i) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.".

(2) The heading of such section is amended to read as follows:

"§ 2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account".

(3) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account.".

SEC. 1106. LIMITATION ON TRANSFERRING DEFENSE FUNDS TO OTHER DEPARTMENTS AND AGENCIES.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2214 the following new section:

"§ 2215. Transfer of funds to other departments and agencies: limitation

"Funds available for military functions of the Department of Defense may not be made available to any other department or agency of the Federal Government pursuant to a provision of law enacted after November 29, 1989, unless, not less than 30 days before such funds are made available to such other department or agency, the Secretary of Defense submits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a certification that making those funds available to such other department or agency is in the national security interest of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2214 the following new item:

"2215. Transfer of funds to other departments and agencies: limitation.".

(b) CONFORMING REPEAL.—Section 1604 of Public Law 101-189 (103 Stat. 1598) is repealed.

SEC. 1107. SENSE OF CONGRESS CONCERNING DEFENSE BUDGET PROCESS.

It is the sense of Congress that any future-years defense plan prepared after the date of the enactment of this Act—

(1) should be based on an objective assessment of United States national security requirements and include funding proposals at a level capable of protecting and promoting the Nation's interests; and

(2) should be based on financial integrity and accountability to ensure a fully funded defense program necessary to maintain a ready and capable force.

SEC. 1108. FUNDING STRUCTURE FOR CONTINGENCY OPERATIONS.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

"§ 127a. Expenses for contingency operations

"(a) DESIGNATION OF NATIONAL CONTINGENCY OPERATIONS.—The funding procedures

prescribed by this section apply with respect to any operation involving the armed forces that is designated by the Secretary of Defense as a National Contingency Operation. Whenever the Secretary designates an operation as a National Contingency Operation, the Secretary shall promptly transmit notice of that designation in writing to Congress. This section does not provide authority for the President or the Secretary of Defense to carry out an operation, but applies to the Department of Defense mechanisms by which funds are provided for operations that the armed forces are required to carry out under some other authority.

"(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) When an operating unit of the armed forces participating in a National Contingency Operation receives support services from a support unit of the armed forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit need not reimburse that support unit for the incremental costs incurred by the support unit in providing such support, notwithstanding any other provision of law or Government accounting practice.

"(2) The amounts which but for paragraph (1) would be required to be reimbursed to a support unit shall be recorded as an expense attributable to the operation and shall be accounted for separately.

"(3) The total of the unreimbursed sums for all National Contingency Operations may not exceed $300,000,000 at any one time.

"(c) FINANCIAL PLAN FOR CONTINGENCY OPERATIONS.—(1) Within two months of the beginning of any National Contingency Operation, the Secretary of Defense shall submit to Congress a financial plan for the operation that sets forth the manner by which the Secretary proposes to obtain funds for the full cost to the United States of the operation.

"(2) The plan shall specify in detail how the Secretary proposes to make the Defense Business Operations Fund (or a successor fund) whole again.

"(d) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs that are directly attributable to the operation and that are otherwise chargeable to accounts available for operation and maintenance or for military personnel. Any costs which are otherwise chargeable to accounts available for procurement may not be considered to be incremental costs for purposes of this section.

"(e) INCREMENTAL PERSONNEL COSTS ACCOUNT.—There is hereby established in the Department of Defense a reserve fund to be known as the 'National Contingency Operation Personnel Fund'. Amounts in the fund shall be available for incremental military personnel costs attributable to a National Contingency Operation. Amounts in the fund remain available until expended.

"(f) COORDINATION WITH WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct a National Contingency Operation or any other operation.

"(g) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense contingency funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

"(h) DEFINITION.— In this section, the term 'National Contingency Operation' means a military operation that is designated by the Secretary of Defense as an operation the cost of which, when considered with the cost of other ongoing or potential military operations, is expected to have a negative effect on training and readiness.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

"127a. Expenses for contingency operations.".

(b) FIRST YEAR FUNDING.—There is hereby authorized to be appropriated for fiscal year 1994 to the fund established under section 127a(e) of title 10, United States Code, as added by subsection (a), the sum of $10,000,000.

Subtitle B—Fiscal Year 1993 Authorization Matters

SEC. 1111. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $5,148,730,000 may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1993 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 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. 1112. OBLIGATION OF CERTAIN APPROPRIATIONS.

In obligating amounts for fiscal year 1993 defense appropriations that were provided for specific non-Federal government entities (in the total amount of $176,450,000) for the University Research Initiatives program under research, development, test, and evaluation for Defense Agencies, the Secretary of Defense shall have the discretion to make the award of any grant or contract from those amounts under that program using merit-based selection procedures.

SEC. 1113. 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.—There is authorized to be appropriated for fiscal year 1993 from the National Security Education Trust Fund the amount of $10,000,000.

Subtitle C—Counter-Drug Activities

SEC. 1121. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out "fiscal years 1991, 1992, 1993, and 1994," and inserting in lieu thereof "fiscal years 1991 through 1995,".

(b) ADDITIONAL TYPE OF SUPPORT AUTHORIZED.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(10) Aerial and ground reconnaissance.".

(c) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1994 under section 301(15) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1122. REQUIREMENT TO ESTABLISH PROCEDURES FOR STATE AND LOCAL GOVERNMENTS TO BUY LAW ENFORCEMENT EQUIPMENT SUITABLE FOR COUNTER-DRUG ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense

"(a) PROCEDURES.—(1) The Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase law enforcement equipment suitable for counter-drug activities through the Department of Defense. The procedures shall require the following:

"(A) Each State desiring to participate in a procurement of equipment suitable for counter-drug activities through the Department of Defense shall submit to the Department, in such form and manner and at such times as the Secretary prescribes, the following:

"(i) A request for law enforcement equipment.

"(ii) Advance payment for such equipment, in an amount determined by the Secretary based on estimated or actual costs of the equipment and administrative costs incurred by the Department.

"(B) A State may include in a request submitted under subparagraph (A) only the type of equipment listed in the catalog produced under subsection (c).

"(C) A request for law enforcement equipment shall consist of an enumeration of the law enforcement equipment that is desired by the State and units of local government within the State. The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for law enforcement equipment from units of local government within the State.

"(D) A State requesting law enforcement equipment shall be responsible for arranging and paying for shipment of the equipment to the State and localities within the State.

"(2) In establishing the procedures, the Secretary of Defense shall coordinate with the General Services Administration and other Federal agencies for purposes of avoiding duplication of effort.

"(b) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—In the case of any purchase made by a State or unit of local government under the procedures established under subsection (a), the Secretary of Defense shall require the State or unit of local government to reimburse the Department of Defense for the administrative costs to the Department of such purchase.

"(c) GSA CATALOG.—The Administrator of General Services, in coordination with the Secretary of Defense, shall produce and maintain a catalog of law enforcement equipment suitable for counter-drug activities for purchase by States and units of local government under the procedures established by the Secretary under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(2) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

"(3) The term 'law enforcement equipment suitable for counter-drug activities' has the meaning given such term in regulations prescribed by the Secretary of Defense. In prescribing the meaning of the term, the Secretary may not include any equipment that the Department of Defense does not procure for its own purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense.".

(b) DEADLINE.—The Secretary of Defense shall establish procedures under section 381(a) of title 10, United States Code, as added by subsection (a), not later than 6 months after the date of the enactment of this Act.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the procedures established pursuant to section 381 of title 10, United States Code, as added by subsection (a). The report shall include, at a minimum, a list of the law enforcement equipment that will be covered under such procedures.

Subtitle D—Matters Relating to Reserve Components

SEC. 1131. 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).

Subtitle E—Awards and Decorations

SEC. 1141. 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. 1142. SENSE OF CONGRESS RELATING TO AWARD OF THE NAVY EXPEDITIONARY MEDAL TO NAVY MEMBERS SUPPORTING DOOLITTLE RAID ON TOKYO.

Congress hereby reaffirms the sense of Congress (previously expressed in section 1084 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2517)) that individuals who served in the naval service during April 1942 in Task Force 16, culminating in the air-raid commonly known as the "Doolittle Raid on Tokyo", should be awarded the Navy Expeditionary Medal for such service and urges the President or the Secretary of the Navy, as appropriate, to award such medal to those individuals.

SEC. 1143. AWARD OF GOLD STAR LAPEL BUTTONS TO SURVIVORS OF SERVICE MEMBERS KILLED BY TERRORIST ACTS.

(a) ELIGIBILITY.—Subsection (a) of section 1126 of title 10, United States Code, is amended—

(1) by striking out "of the United States" in the matter preceding paragraph (1);

(2) by striking out "or" at the end of paragraph (1);

(3) in paragraph (2)—

(A) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking out the period at the end and inserting in lieu thereof "; or"; and

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

"(3) who lost or lose their lives after March 28, 1973, as a result of—

"(A) an international terrorist attack against the United States or a foreign nation

friendly to the United States, recognized as such an attack by the Secretary of De fense; or

"(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.".

(b) DEFINITIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

"(7) The term 'military operations' includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

"(8) The term 'peacekeeping force' includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.".

Subtitle F—Recordkeeping and Reporting Requirements

SEC. 1151. TERMINATION OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS DETERMINED BY SECRETARY OF DEFENSE TO BE UNNECESSARY OR INCOMPATIBLE WITH EFFICIENT MANAGEMENT OF THE DEPARTMENT OF DEFENSE.

(a) TERMINATION OF REPORT REQUIREMENTS.—Unless otherwise provided by a law enacted after the date of the enactment of this Act, each provision of law requiring the submittal to Congress (or any committee of Congress) of any report specified in the list submitted under subsection (b) shall, with respect to that requirement, cease to be effective on October 30, 1995.

(b) PREPARATION OF LIST.—(1) The Secretary of Defense shall submit to Congress a list of each provision of law that, as of the date specified in subsection (c), imposes upon the Secretary of Defense (or any other officer of the Department of Defense) a reporting requirement described in paragraph (2). The list of provisions of law shall include a statement or description of the report required under each such provision of law.

(2) Paragraph (1) applies to a requirement imposed by law to submit to Congress (or specified committees of Congress) a report on a recurring basis, or upon the occurrence of specified events, if the Secretary determines that the continued requirement to submit that report is unnecessary or incompatible with the efficient management of the Department of Defense.

(3) The Secretary shall submit with the list an explanation, for each report specified in the list, of the reasons why the Secretary considers the continued requirement to submit the report to be unnecessary or incompatible with the efficient management of the Department of Defense.

(c) SUBMISSION OF LIST.—The list under subsection (a) shall be submitted not later than April 30, 1994.

(d) SCOPE OF SECTION.—For purposes of this section, the term "report" includes a certification, notification, or other characterization of a communication.

(e) INTERPRETATION OF SECTION.—This section does not require the Secretary of Defense to review each report required of the Department of Defense by law.

SEC. 1152. 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 Congress 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 Congress a report that, with respect to each new special access program of that department or agency, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification, as applicable, of existing programs or technologies that are similar to the technology, or that have a mission similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) 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 Congress 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 Congress 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, to Congress.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated by a covered department or agency 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.—For purposes of this section:

(1) COVERED DEPARTMENT OR AGENCY.—(A) Except as provided in subparagraph (B), the term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program.

(B) Such term does not include—

(i) the Department of Defense (which is required to submit reports on special access programs under section 119 of title 10, United States Code);

(ii) the Department of Energy, with respect to special access programs carried out under the atomic energy defense activities of that department (for which the Secretary of Energy is required to submit reports under section 93 of the Atomic Energy Act of 1954); or

(iii) an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(2) SPECIAL ACCESS PROGRAM.—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 "secret" or "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. 1153. IDENTIFICATION OF SERVICE IN VIETNAM IN THE COMPUTERIZED INDEX OF THE NATIONAL PERSONNEL RECORDS CENTER.

(a) ASSISTANCE.—The Secretary of Defense shall provide to the National Personnel Records Center in St. Louis, Missouri, such information and technical assistance as the Secretary considers to be appropriate to assist the Center in establishing an indicator in the computerized index of the Center that will facilitate searches for, and the selection of, military records of military personnel

based upon service in a theater of operations during the Vietnam conflict.

(b) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing a plan to establish the indicator described in subsection (a). The Secretary shall prepare the report in consultation with the Secretary of Veterans Affairs and the Archivist of the United States.

(c) VIETNAM CONFLICT DEFINED.—For purposes of this section, the term "Vietnam conflict" has the meaning given that term in section 1035(g)(2) of title 10, United States Code.

SEC. 1154. 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 the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress named in subsection (c) a joint report on manpower required to implement export controls on certain weapons transfers.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A statement of the role of the Department of Defense, and a 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 in the Department of Energy to perform the respective roles of those departments.

(3) An assessment of the adequacy of the number and skills of those personnel for the effective performance of those 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 those personnel that enable them 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 committees to which the report is to be submitted are—

(1) the Committee on Armed Services and the Committee 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. 1155. REPORT ON FOOD SUPPLY AND DISTRIBUTION PRACTICES OF THE DEPARTMENT OF DEFENSE.

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

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency, purchases more than 90 percent of the food supplied to military end-users, including dining halls, hospitals, and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four depots of the Defense Logistics Agency, and 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 food through direct delivery from commercial distributors of food.

(4) In a comprehensive inventory reduction plan issued in May 1990, the Secretary of Defense concluded that there was no benefit to using the food supply system of the Department of Defense in circumstances in which the food requirements of the Department could be met through the use of commercial distributors of food.

(5) In a report published in June 1993, the General Accounting Office determined that the Department of Defense could achieve substantial cost savings by expanding the use of commercial distributors of food and related commercial practices in the food supply system of the Department.

(b) REVIEW.—The Secretary of Defense shall conduct a review of the food supply and distribution practices of the Department of Defense. The review shall include the following:

(1) An evaluation of the feasibility of, and the economic advantages and disadvantages of, the expanded use of full-line commercial distributors of food to deliver food directly to military end-users.

(2) An evaluation of the potential for the expanded use of such commercial distributors to reduce the need for the storage of food (except for war reserve stocks and items bound for overseas) directly by the Department of Defense and to eliminate the requirement for Defense Subsistence Offices and certain warehouse activities at military installations.

(3) A comparison of the cost of using the Department of Defense food supply and distribution system to meet the Department of Defense food requirements with the cost of using commercial distributors of food to meet such requirements.

(4) A consideration of any obstacles that would hinder the ability of the Department of Defense to procure commercial food items and to institute commercial practices with respect to food supply and distribution.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on the findings, conclusions, and recommendations of the Secretary as a result of the review conducted under subsection (b).

Subtitle G—Congressional Findings, Policies, Commendations, and Commemorations

SEC. 1161. SENSE OF CONGRESS REGARDING JUSTIFICATION FOR CONTINUING THE EXTREMELY LOW FREQUENCY (ELF) COMMUNICATION SYSTEM.

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

(1) There is a need to re-evaluate all defense spending in light of the changed circumstances 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 attack submarines in addition to ballistic missile submarines.

(5) There have been questions raised about the effects of ELF operations on human health and the environment and ongoing studies of those effects are due to be concluded during 1994.

(b) EVALUATION AND REPORT BY SECRETARY OF DEFENSE.—The Secretary of Defense shall submit to the congressional defense committees, before consideration by Congress of the fiscal year 1995 defense budget, a report containing the results of an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and the benefits and costs of any alternatives to that system. The report shall be based upon an evaluation conducted by the Secretary after the date of the enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the bases at which the Extremely Low Frequency Communication System is located, having been considered for closure or realignment in the 1993 base closure process, should again be considered for closure or realignment in the round of military base closures to take place in 1995.

SEC. 1162. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF NAVAL OCEANOGRAPHIC SURVEY AND RESEARCH IN THE POST-COLD WAR PERIOD.

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

(1) Oceanographic research and survey work is a critical element to the ability of the Navy to conduct successful operations in littoral waters of the world.

(2) Over the five-year period of fiscal years 1989 through 1993, the Navy experienced a significant diminution in its oceanographic research and survey capability due to budget reductions that resulted in (A) a reduction in the level of effort for Navy oceanographic research and survey activities by almost 50 percent, and (B) a reduction from 12 to 7 in the number of Navy ships dedicated to oceanographic survey and research activities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) reductions in the funding, activities, and capability of the Navy to conduct oceanographic survey and research work, in addition to the reductions referred to in subsection (a)(2), would further reduce the level of oceanographic survey and research work of the Navy and should be avoided; and

(2) funding for oceanographic survey and research activities of the Navy should be maintained at levels sufficient to ensure that the Navy can exploit every opportunity to survey and research littoral waters critical to the operational needs of the Navy.

SEC. 1163. SENSE OF CONGRESS REGARDING UNITED STATES POLICY ON PLUTONIUM.

(a) FINDING.—The Congress finds that reprocessing spent nuclear fuel referred to in subsection (c) to recover plutonium may pose serious environmental hazards and increase the risk of proliferation of weapons-usable plutonium.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take action to encourage the reduction or cessation of the reprocessing of spent nuclear fuel referred to in subsection (c) to recover plutonium until the environmental and proliferation concerns related to such reprocessing are resolved.

(c) COVERED SPENT NUCLEAR FUEL.—The spent nuclear fuel referred to in subsections (a) and (b) is spent nuclear fuel used in a commercial nuclear power reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

SEC. 1164. SENSE OF SENATE ON 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 should be granted entry into the United States under the Immigration and Nationality Act unless the President certifies to Congress before 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. 1165. U.S.S. INDIANAPOLIS MEMORIAL, INDIANAPOLIS, INDIANA.

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

(1) On July 30, 1945, during 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) The memorial to the U.S.S. Indianapolis (CA-35) to be 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) The memorial will pay fitting tribute to that gallant ship and her 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) 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 and its allies in that war.

(5) The citizens of the United States have a continuing obligation to educate future generations about the military and other historic endeavors of the United States.

(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.

Subtitle H—Other Matters

SEC. 1171. PROCEDURES FOR HANDLING WAR BOOTY.

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2579. War booty: procedures for handling and retaining battlefield objects

"(a) POLICY.—The United States recognizes that battlefield souvenirs have traditionally provided military personnel with a valued memento of service in a national cause. At the same time, it is the policy and tradition of the United States that the desire for souvenirs in a combat theater not blemish the conduct of combat operations or result in the mistreatment of enemy personnel, the dishonoring of the dead, distraction from the conduct of operations, or other unbecoming activities.

"(b) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the handling of battlefield objects that are consistent with the policies expressed in subsection (a) and the requirements of this section.

"(2) When forces of the United States are operating in a theater of operations, enemy material captured or found abandoned shall be turned over to appropriate United States or allied military personnel except as otherwise provided in such regulations. A member of the armed forces (or other person under the authority of the armed forces in a theater of operations) may not (except in accordance with such regulations) take from a theater of operations as a souvenir an object formerly in the possession of the enemy.

"(3) Such regulations shall provide that a member of the armed forces who wishes to retain as a souvenir an object covered by paragraph (2) may so request at the time the object is turned over pursuant to paragraph (2).

"(4) Such regulations shall provide for an officer to be designated to review requests under paragraph (3). If the officer determines that the object may be appropriately retained as a war souvenir, the object shall be turned over to the member who requested the right to retain it.

"(5) Such regulations shall provide for captured weaponry to be retained as souvenirs, as follows:

"(A) The only weapons that may be retained are those in categories to be agreed upon jointly by the Secretary of Defense and the Secretary of the Treasury.

"(B) Before a weapon is turned over to a member, the weapon shall be rendered unserviceable.

"(C) A charge may be assessed in connection with each weapon in an amount sufficient to cover the full cost of rendering the weapon unserviceable.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2579. War booty: procedures for handling and retaining battlefield objects.".

(b) INITIAL REGULATIONS.—The initial regulations required by section 2579 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 270 days after the date of enactment of this Act. Such regulations shall specifically address the following, consistent with section 2579 of title 10, United States Code, as added by subsection (a):

(1) The general procedures for collection and disposition of weapons and other enemy material.

(2) The criteria and procedures for evaluation and disposition of enemy material for intelligence, testing, or other military purposes.

(3) The criteria and procedures for determining when retention of enemy material by an individual or a unit in the theater of operations may be appropriate.

(4) The criteria and procedures for disposition of enemy material to a unit or other Department of Defense entity as a souvenir.

(5) The criteria and procedures for disposition of enemy material to an individual as an individual souvenir.

(6) The criteria and procedures for determining when demilitarization or the rendering unserviceable of firearms is appropriate.

(7) The criteria and procedures necessary to ensure that servicemembers who have obtained battlefield souvenirs in a manner consistent with military customs, traditions, and regulations have a reasonable opportunity to obtain possession of such souvenirs, consistent with the needs of the service.

SEC. 1172. 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. 1173. TRANSPORTATION OF CARGOES BY WATER.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

"§ 2631a. Contingency planning: sealift and related intermodal transportation requirements

"(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.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2361 the following new item:

"2631a. Contingency planning: sealift and related intermodal transportation requirements.".

SEC. 1174. MODIFICATION OF AUTHORITY TO CONDUCT NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.

(a) LOCATION OF PROGRAM.—Subsection (c) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 32 U.S.C. 501 note) is amended to read as follows:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate.".

(b) DEFINITION OF STATE.—Subsection (1) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(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.".

(c) PROGRAM AGREEMENTS.—Subsection (d)(3) of such section is amended by striking out "reimburse" and inserting in lieu thereof "provide funds to".

SEC. 1175. 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. 1176. ELIGIBILITY OF FORMER PRISONERS OF WAR FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY FOR BURIAL.—Former prisoners of war described in subsection (b) are eligible for burial in Arlington National Cemetery, Arlington, Virginia.

(b) ELIGIBLE FORMER POWS.—A former prisoner of war referred to in subsection (a) is a former prisoner of war—

(1) who dies on or after the date of the enactment of this Act; and

(2) who, while a prisoner of war, served honorably in the active military, naval, or air service, as determined under regulations prescribed by the Secretary of military department concerned.

(c) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery a former prisoner of war who is eligible to be buried in that cemetery under another provision of law.

(d) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of the Army. Those regulations may prescribe a minimum period of internment as a prisoner of war for purposes of eligibility under this section for burial in Arlington National Cemetery.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

(2) The term "active military, naval, or air service" has the meaning given such term in section 101(24) of such title.

SEC. 1177. REDESIGNATION OF HANFORD ARID LANDS ECOLOGY RESERVE.

(a) REDESIGNATION.—The Hanford Arid Lands Ecology Reserve in Richland, Washington, is redesignated as the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the ecology reserve referred to in subsection (a) is deemed to be a reference to the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

SEC. 1178. AVIATION LEADERSHIP PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The training in the United States of pilots from the air forces of friendly foreign nations furthers the interests of the United States, promotes closer relations with such nations, and advances the national security.

(2) Many friendly foreign nations cannot afford to reimburse the United States for the cost of such training.

(3) It is in the interest of the United States that the Secretary of the Air Force establish a program to train in the United States pilots from the air forces of friendly, less developed foreign nations.

(b) ESTABLISHMENT OF PROGRAM.—Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following new chapter:

"CHAPTER 905—AVIATION LEADERSHIP PROGRAM

"Sec.
"9381. Establishment of program.
"9382. Supplies and clothing.
"9383. Allowances.

"§ 9381. Establishment of program

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may establish and maintain an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, less-developed foreign nations. Training under this chapter shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

"§ 9382. Supplies and clothing

"(a) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this chapter—

"(1) transportation incident to the training;

"(2) supplies and equipment to be used during the training;

"(3) flight clothing and other special clothing required for the training; and

"(4) billeting, food, and health services.

"(b) The Secretary of the Air Force may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this chapter.

"§ 9383. Allowances

"The Secretary of the Air Force may pay to a person receiving training under this chapter a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.".

(c) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle D of title 10, United States Code, and at the beginning of part III of such subtitle are each amended by inserting after the item relating to chapter 903 the following new item:

"905. Aviation Leadership Program ... 9381".

SEC. 1179. ADMINISTRATIVE IMPROVEMENTS IN THE 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 (20 U.S.C. 4703(c)(1)) 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 new subparagraph:

"(C) notwithstanding the term limitation provided for under this paragraph, a member appointed under subsection (b) may continue to serve under such appointment until the successor to the 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 "the District of Columbia" and inserting in lieu thereof "the Washington, District of Columbia, metropolitan area".

SEC. 1180. 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. 1181. TRANSFER OF OBSOLETE HEAVY CRUISER U.S.S. SALEM.

(a) TRANSFER WITHOUT REGARD TO NOTICE AND WAIT REQUIREMENTS.—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, upon making the determinations described in subsection (b) of this section, may transfer the obsolete heavy cruiser U.S.S. Salem (CA-139) to the United States Naval Shipbuilding Museum, Quincy, Massachusetts.

(b) DETERMINATIONS REQUIRED.—The transfer referred to in subsection (a) may be made only if the Secretary of the Navy determines—

(1) by appropriate tests, including tests administered by the Environmental Protection Agency, that the U.S.S. Salem is in environmentally safe condition;

(2) that the museum referred to in subsection (a) has adequate financial resources to maintain the cruiser in a condition satisfactory to the Secretary; and

(3) the U.S.S. Salem is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—(1) In exercising the authority provided in subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of the conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States.

(2) The Secretary may require such additional terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1182. 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 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(6) 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".

(7) Section 2469 is amended by striking out ", prior to any such change,".

(8)(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.".

(9) 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)".

(10) 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".

(11) 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" in the second sentence and all that follows through the period and inserting in lieu thereof "for the uniformed services.".

(12) 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 "USE OF PROGRAMS.—" 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,".

(e) REORGANIZATION OF TITLE 10 PROVISION.—Section 1401a(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) PRE-AUGUST 1, 1986 MEMBERS.—

"(A) GENERAL RULE.—The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986, by the percent (adjusted to the nearest one-tenth of 1 percent) by which—

"(i) the price index for the base quarter of that year, exceeds

"(ii) the base index.

"(B) SPECIAL RULES FOR FISCAL YEARS 1994 THROUGH 1998.—

"(i) FISCAL YEAR 1994.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1993, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1994.

"(ii) FISCAL YEARS 1995 THROUGH 1998.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1 of 1994, 1995, 1996, or 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September of the following year.

"(C) INAPPLICABILITY TO DISABILITY RETIREES.—Subparagraph (B) does not apply with respect to the retired pay of a member retired under chapter 61 of this title."; and

(2) by striking out paragraph (6).

(f) EXTENSION OF AUTHORITY FOR PAYMENTS FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.—Section 554 of Public Law 102-190 (105 Stat. 1371) is amended—

(1) in subsection (a)—

(A) by inserting "and who submits a request for such payment to the Secretary not later than September 30, 1993" in the first sentence after "prisoner of war"; and

(B) by inserting "or fiscal year 1994" in the second sentence after "fiscal year 1993"; and

(2) in subsection (d), by striking out "not later than September 30, 1993" and inserting in lieu thereof "not later than September 30, 1994".

(g) CORRECTIONS OF AMENDMENTS MADE BY PUBLIC LAW 102-484.—Title 10, United States Code, is amended as follows:

(1) Section 2031(a)(1) is amended by striking out "Not more than 200 units may be established by all of the military departments each year, and the" in the second sentence and inserting in lieu thereof "The".

(2) Section 2513(c)(2)(B)(ii) is amended by striking out "two" and inserting in lieu thereof "one";

(h) COORDINATION WITH OTHER PROVISIONS OF ACT.—For purposes of applying the amendments made by provisions of this Act other than this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1183. SECURITY CLEARANCES FOR CIVILIAN EMPLOYEES.

(a) REVIEW OF SECURITY CLEARANCE PROCEDURES.—(1) The Secretary of Defense shall conduct a review of the procedural safeguards available to Department of Defense civilian employees who are facing denial or revocation of security clearances.

(2) Such review shall specifically consider—

(A) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to Department of Defense contractor employees;

(B) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to similarly situated employees in those Government agencies that provide greater rights than the Department of Defense; and

(C) whether there should be a difference between the rights provided to both Department of Defense civilian and contractor employees with respect to security clearances and the rights provided with respect to sensitive compartmented information and special access programs.

(b) REPORT.—The Secretary shall submit to Congress a report on the results of the review required by subsection (a) not later than March 1, 1994.

(c) REGULATIONS.—The Secretary shall revise the regulations governing security

clearance procedures for Department of Defense civilian employees not later than May 15, 1994.

SEC. 1184. VIDEOTAPING OF INVESTIGATIVE INTERVIEWS.

Of the amounts authorized to be appropriated pursuant to section 301 of this Act, $2,500,000 shall be available for use in connection with videotaping of interviews conducted in the course of Department of Defense investigations.

SEC. 1185. INVESTIGATIONS OF DEATHS OF MEMBERS OF THE ARMED FORCES FROM SELF-INFLICTED CAUSES.

(a) SECRETARY OF DEFENSE TO REVIEW DEATH INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall review the procedures of the military departments for investigating deaths of members of the Armed Forces that may have resulted from self-inflicted causes. The Secretary shall complete the review not later than June 30, 1994.

(2) Not later than July 15, 1994, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of such review. The report may include any recommendations for legislation that the Secretary considers appropriate.

(3) Not later than October 1, 1994, the Secretary shall prescribe regulations governing the investigation of deaths of members of the Armed Forces that may have resulted from self-inflicted causes. The regulations shall include a date by which the Secretaries of the military departments are required to implement the regulations.

(b) INSPECTOR GENERAL TO REVIEW CERTAIN DEATH INVESTIGATIONS.—(1) Upon a request that meets the requirements of paragraph (3), the Inspector General of the Department of Defense shall review each investigation conducted by a Department of Defense investigative organization of the death of a member of the Armed Forces who, while serving on active duty during the period described in paragraph (2), died from a cause determined to be self-inflicted.

(2) The period referred to in paragraph (1) is the period that—

(A) begins on January 1, 1982; and

(B) ends on the date specified in the regulations prescribed under subsection (a)(3) as the deadline for the implementation of such regulations by the Secretaries of the military departments.

(3) Any of the family members of a member of the Armed Forces referred to in paragraph (1) may request a review under paragraph (1). The request must be received by the Secretary of the military department concerned not later than one year after the date referred to in paragraph (2)(B) and shall contain or describe specific evidence of a material deficiency in the previous investigation.

(4) If the Inspector General determines that a previous investigation of a death was deficient in a material respect, the Inspector General shall conduct any additional investigation that the Inspector General considers necessary to determine the cause of that death.

(5) The Inspector General shall submit to the Secretary of the military department concerned a report on the results of each review conducted under paragraph (1) and each additional investigation conducted under paragraph (4) as a result of that review.

(6) The Secretary of the military department concerned, consistent with other applicable law, shall take such corrective actions with regard to matters contained in the report as the Secretary considers appropriate.

(7) To the same extent that fatality reports may be furnished to family members under section 1072 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2508; 10 U.S.C. 113 note), the Inspector General, after consultation with the Secretary of the military department concerned, shall provide a copy of the Inspector General's report on the review of a death investigation to each of the family members who requested the review.

(c) DEFINITIONS.—In this section:

(1) The term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code.

(2) The term "family members" has the meaning given such term in section 1072(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2510; 10 U.S.C. 133 note).

(d) APPLICABILITY TO COAST GUARD.—The Secretary of Transportation shall implement with respect to the Coast Guard the requirements that are imposed by this section on the Secretary of Defense and the Inspector General of the Department of Defense.

SEC. 1186. EXPORT LOAN GUARANTEES.

(a) AUTHORITY TO PROVIDE LOAN GUARANTEES.—Subject to subsection (b) and subject to the availability of appropriations for this purpose, the President may carry out a program to issue guarantees during fiscal year 1994 against the risk of nonpayment arising out of loan financing of the sale of defense articles and defense services to any member nation of the North Atlantic Treaty Organization (other than the United States), Israel, Australia, Japan, or the Republic of Korea. The aggregate amount guaranteed under this section in such fiscal year may not exceed $1,000,000,000.

(b) CERTIFICATION OF INTENT TO USE AUTHORITY.—The President may not issue guarantees under the loan guarantee program unless, not later than the end of the 180-day period beginning on the date of the enactment of this Act, the President certifies to Congress that—

(1) the President intends to issue loan guarantees under the loan guarantee program;

(2) the exercise of the authority provided under the program is consistent with the objectives of the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(3) the exercise of the authority provided under the program is consistent with the policy of the United States regarding conventional arms sales and nonproliferation goals.

(c) PROHIBITION ON USE OF CERTAIN FUNDS.—None of the funds authorized to be appropriated in this Act and made available for defense conversion, reinvestment, and transition assistance programs (as defined in section 1302(c)) may be used to finance the subsidy cost of loan guarantees issued under this section.

(d) TERMS AND CONDITIONS.—(1) In issuing guarantees under the loan guarantee program for medium- and long-term loans for sales of defense articles or defense services, the President may 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.

(2) The issuance of loan guarantees for exports under the loan guarantee program 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).

(e) 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 loan guarantee program.

(f) EXECUTIVE AGENCY.—The Department of Defense shall be the executive agency responsible for administration of the loan guarantee program unless the President, in consultation with Congress, designates another department or 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 departments or agencies to process the applications and otherwise to implement the loan guarantee program.

(g) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the loan guarantee program. All fees collected in connection with guarantees issued under the program under this section 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.

(h) NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (d)(2), the National Security Council shall review each proposed sale for which a guarantee is proposed to be issued under the loan guarantee program to determine whether the sale 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.

(i) DEFINITIONS.—For purposes of this section, the terms "defense article", "defense service", and "defense articles and defense services" have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1202. 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, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1203. 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.

(6) Programs to assist in the environmental restoration of former military sites and installations when such restoration is necessary to the demilitarization or conversion programs authorized in paragraph (5).

(7) Programs to provide housing for former military personnel of the former Soviet Union released from military service in connection with the dismantlement of strategic nuclear weapons, when provision of such housing is necessary for dismantlement of strategic nuclear weapons and when no other funds are available for such housing.

(8) 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. 1204. DEMILITARIZATION ENTERPRISE FUND.

(a) DESIGNATION OF FUND.—The President is authorized to designate a Demilitarization Enterprise Fund for the purposes of this section. The President may designate as the Demilitarization Enterprise Fund any organization that satisfies the requirements of subsection (e).

(b) PURPOSE OF FUND.—The purpose of the Demilitarization Enterprise Fund is to receive grants pursuant to this section and to use the grant proceeds to provide financial support under programs described in subsection (b)(5) for demilitarization of industries and conversion of military technologies and capabilities into civilian activities.

(c) GRANT AUTHORITY.—The President may make one or more grants to the Demilitarization Enterprise Fund.

(d) RISK CAPITAL FUNDING OF DEMILITARIZATION.—The Demilitarization Enterprise Fund shall use the proceeds of grants received under this section to provide financial support in accordance with subsection (b) through transactions as follows:

(1) Making loans.

(2) Making grants.

(3) Providing collateral for loan guaranties by the Export-Import Bank of the United States.

(4) Taking equity positions.

(5) Providing venture capital in joint ventures with United States industry.

(6) Providing risk capital through any other form of transaction that the President considers appropriate for supporting programs described in subsection (b)(5).

(e) ELIGIBLE ORGANIZATION.—An organization is eligible for designation as the Demilitarization Enterprise Fund if the organization—

(1) is a private, nonprofit organization;

(2) is governed by a board of directors consisting of private citizens of the United States; and

(3) provides assurances acceptable to the President that it will use grants received under this section to provide financial support in accordance with this section.

(f) OPERATIONAL PROVISIONS.—The following provisions of section 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179; 22 U.S.C. 5421) shall apply with respect to the Demilitarization Enterprise Fund in the same manner as such provisions apply to Enterprise Funds designated pursuant to subsection (d) of such section:

(1) Subsection (d)(5), relating to the private character of Enterprise Funds.

(2) Subsection (h), relating to retention of interest earned in interest bearing accounts.

(3) Subsection (i), relating to use of United States private venture capital.

(4) Subsection (k), relating to support from Executive agencies.

(5) Subsection (l), relating to limitation on payments to Fund personnel.

(6) Subsections (m) and (n), relating to audits.

(7) Subsection (o), relating to record keeping requirements.

(8) Subsection (p), relating to annual reports.

In addition, returns on investments of the Demilitarization Enterprise Fund and other payments to the Fund may be reinvested in projects of the Fund.

(g) EXPERIENCE OF OTHER ENTERPRISE FUNDS.—To the maximum extent practicable, the Board of Directors of the Demilitarization Enterprise Fund should adopt for that Fund practices and procedures that have been developed by Enterprise Funds for which funding has been made available pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179; 22 U.S.C. 5421).

(h) CONSULTATION REQUIREMENT.—In the implementation of this section, the Secretary of State and the Administrator of the Agency for International Development shall be consulted to ensure that the Articles of Incorporation of the Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund), the terms of United States Government grant agreements with the Fund, and United States Government oversight of the Fund are, to the maximum extent practicable, consistent with the Articles of Incorporation of, the terms of grant agreements with, and the oversight of the Enterprise Funds established pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) and comparable provisions of law.

(i) INITIAL IMPLEMENTATION.—The Board of Directors of the Demilitarization Enterprise Fund shall publish the first annual report of the Fund not later than January 31, 1995.

(j) TERMINATION OF DESIGNATION.—A designation of an organization as the Demilitarization Enterprise Fund under subsection (a) shall be temporary. When making the designation, the President shall provide for the eventual termination of the designation.

SEC. 1205. 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) LIMITATIONS.—(1) Not more than $15,000,000 of the funds referred to in subsection (a) may be made available for programs authorized in subsection (b)(6) of section 1203.

(2) Not more than $20,000,000 of such funds may be made available for programs authorized in subsection (b)(7) of section 1203.

(3) Not more than $40,000,000 of such funds may be made available for grants to the Demilitarization Enterprise Fund designated pursuant to section 1204 and for related administrative expenses.

(c) AUTHORIZATION OF EXTENSION OF AVAILABILITY OF PRIOR YEAR FUNDS.—To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1928), and

in section 108 of Public Law 102-229 (105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

SEC. 1206. 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 1208 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) REPORTS ON DEMILITARIZATION OR CONVERSION PROJECTS.—Any report under subsection (a) that covers proposed demilitarization or conversion project under paragraph (5) or (6) of section 1203(b) 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 activities and production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1207. 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 demilitarization or conversion projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1208. 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.

SEC. 1209. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR 1993 ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1993 for "Operation and Maintenance, Defense Agencies" the additional sum of $979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) AUTHORIZATION OF TRANSFER OF FUNDS.—The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from the account "Operation and Maintenance, Defense Agencies" for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) ADMINISTRATIVE PROVISIONS.—(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) COORDINATION OF PROGRAMS.—The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this title and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511) so as to optimize the contribution such programs make to the national interests of the United States.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1301. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993".

SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1994.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1994, the sum of $2,553,315,000 shall be available from the sources specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs.

(b) SOURCES OF FUNDS.—The amount set forth in subsection (a) shall be derived from the following sources in amounts as follows:

(1) $147,000,000 of the amounts authorized to be appropriated pursuant to section 108 to carry out subtitle D.

(2) $2,071,315,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $335,000,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term "defense conversion, reinvestment, and transition assistance programs" includes the following programs and activities of the Department of Defense:

(1) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2658) and the amendments made by that Act.

(2) The programs and activities authorized by this title and the amendments made by this title.

SEC. 1303. REPORTS ON DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—During each of the fiscal years 1994, 1995, and 1996, the Secretary of Defense shall prepare a report that assesses the effectiveness of all defense conversion, reinvestment, and transition assistance programs (as defined in section 1302) during the preceding fiscal year.

(b) CONTENTS OF REPORT.—To the maximum extent practicable, each report required under subsection (a) shall include an assessment of each of the following:

(1) The status of the obligation of appropriated funds for each defense conversion, reinvestment, and transition assistance program.

(2) With respect to each component of the dual-use partnership program element specified in paragraphs (1) through (10) of section 1311(b)—

(A) the extent to which the component meets the objectives set forth in section 2501 of title 10, United States Code;

(B) the technology benefits of the component to the national technology and industrial base;

(C) any evidence of commercialization of technologies developed under the component;

(D) the extent to which the investments under the component have affected levels of employment;

(E) the number of defense firms participating in cooperative agreements or other arrangements under the component;

(F) the extent to which matching fund requirements of the component were met by cash contributions by the non-Federal Government participants;

(G) the extent to which defense technology reinvestment projects under the component have met milestones and financial and technical requirements;

(H) the extent to which the component is integrated with technology programs conducted by other Federal agencies; and

(I) the number of proposals under the component that were received from small business concerns and the number of awards made to small business concerns.

(3) With respect to each personnel assistance program conducted under subtitle C of this title, title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2701), and the amendments made by that subtitle or title—

(A) the extent to which the program meets the objectives set forth in section 2501(b) of title 10, United States Code;

(B) the number of individuals eligible for transition assistance under the program;

(C) the number of individuals directly receiving transition assistance under the program and the projected number of individuals who will directly receive transition assistance;

(D) in the case of a job training program, an estimate of the number of individuals who have secured permanent employment as a result of participation in the program; and

(E) the extent to which the transition assistance activities under the program duplicated other transition assistance provided or administered outside the Department of Defense.

(c) SUBMISSION OF REPORT.—The report required under subsection (a) for a particular fiscal year shall be submitted to Congress at the same time that the Secretary of Defense submits the annual report required under section 113(c) of title 10, United States Code, for that fiscal year.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

SEC. 1311. FUNDING OF DEFENSE DUAL-USE PARTNERSHIPS PROGRAM FOR FISCAL YEAR 1994.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated under section 201 for Defense-wide activities and specified in section 1302(b) as a source of funds for defense conversion, reinvestment, and transition assistance programs, $624,000,000 shall be available for activities described in the dual-use partnerships program element of the budget of the Department of Defense for fiscal year 1994.

(b) ALLOCATION OF FUNDS.—The funds made available under subsection (a) shall be allocated as follows:

(1) $250,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code.

(2) $75,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title.

(3) $75,000,000 shall be available for defense regional technology alliances under section 2513 of such title.

(4) $50,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title.

(5) $30,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title;

(6) $30,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) not more than $15,000,000 shall be available for assistance pursuant to subsection (c)(3) of such section; and

(B) not more than $15,000,000 shall be available for loan guarantees pursuant to subsection (b)(3) of such section.

(7) $24,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title.

(8) $10,000,000 shall be available for grants under section 2198 of such title to United States institutions of higher education and other United States not-for-profit organizations to support the management training program in Japanese language and culture.

(9) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program.

(10) $50,000,000 shall be available for the agile manufacturing/enterprise integration program.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1993 PROJECTS.—Funds made available under subsection (a) may also be used to make awards to projects of the types described in subsection (b) that were solicited in fiscal year 1993.

SEC. 1312. DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION PLANNING.

(a) ABOLISHMENT OF DEFENSE ECONOMIC ADJUSTMENT CENTER.—(1) Section 2504 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the item relating to section 2504.

(b) NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502 of such title is amended by adding at the end the following new subsection:

"(d) ALTERNATIVE PERFORMANCE OF RESPONSIBILITIES.—Notwithstanding subsection (c), the President may assign the responsibilities of the Council to another interagency organization of the Executive branch that includes among its members the officials specified in paragraphs (1) through (4) of subsection (b).".

SEC. 1313. CONGRESSIONAL DEFENSE POLICY CONCERNING DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Furthering the missions of the Department of Defense through the support of policy objectives and programs relating to the defense reinvestment, diversification, and conversion objectives specified in subsection (b).".

SEC. 1314. EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN GUARANTEES UNDER THE DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524 of title 10, United States Code, is amended—

(1) in subsection (b)(3), by striking out "small businesses" and inserting in lieu thereof "small business concerns and medium-sized business concerns";

(2) by redesignating subsection (g) as subsection (h); and

(3) by adding at the end the following new subsection:

"(g) DEFINITION.—In this section, the 'medium-sized business concern' means a business concern that is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing a product or service is a small business concern.".

SEC. 1315. CONSISTENCY IN FINANCIAL COMMITMENT REQUIREMENTS OF NON-FEDERAL GOVERNMENT PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 2511(c) of title 10, United States Code, is amended to read as follows:

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary of Defense shall ensure that the amount of funds provided by the Federal Government to a partnership does not exceed 50 percent of the total cost of partnership activities.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.".

(b) COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.—Section 2512(c)(3) of such title is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.".

(c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513(e) of such title is amended by adding at the end the following new paragraph:

"(3) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a regional technology alliance for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of a regional technology alliance. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the regional technology alliance from non-Federal sources.".

(d) MANUFACTURING EXTENSION PROGRAMS.—Section 2523(b)(3) of such title is amended—

(1) in subparagraph (A), by striking out the first sentence and inserting in lieu thereof the following: "The Secretary shall ensure that the amount of financial assistance furnished by the Federal Government to a manufacturing extension program under this subsection may not exceed 50 percent of the total cost of the program."; and

(2) by adding at the end the following new subparagraph:

"(D) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a manufacturing extension program for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program. Any such funds so used may be considered in

calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources.".

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524(d) of such title is amended to read as follows:

"(d) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Secretary to a program under this section does not exceed 50 percent of the total cost of the program.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a program under this section for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources.".

(f) DEFINITIONS.—Section 2491 of such title is amended by adding at the end the following new paragraphs:

"(13) The term 'Small Business Innovation Research Program' means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) through (l).

"(14) The term 'Small Business Technology Transfer Program' means the program established under the following provisions of such section:

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) and (n) through (p).

"(15) The term 'significant equity percentage' means—

"(A) a level of contribution and participation sufficient, when compared to the other non-Federal participants in the partnership or other cooperative arrangement involved, to demonstrate a comparable long-term financial commitment to the product or process development involved; and

"(B) any other criteria the Secretary may consider necessary to ensure an appropriate equity mix among the participants.".

(g) APPLICATION OF AMENDMENTS TO EXISTING PROJECTS.—In the case of a project funded under section 2511, 2512, 2513, 2523, or 2524 of title 10, United States Code, using funds appropriated for a fiscal year beginning before October 1, 1993, the amendments made by this section shall not alter the financial commitment requirements in effect on the day before the date of the enactment of this Act for the non-Federal Government participants in the project.

SEC. 1316. ADDITIONAL CRITERIA FOR THE SELECTION OF REGIONAL TECHNOLOGY ALLIANCES.

Section 2513(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5) The potential for the regional technology alliance to increase industrial competitiveness.

"(6) The potential for the regional technology alliance to meet the needs of small- and medium-sized defense-dependent companies across multiple activity areas including—

"(A) outreach;

"(B) manufacturing education and training;

"(C) technology development;

"(D) technology deployment; and

"(E) business counseling.".

SEC. 1317. CONDITIONS ON FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) BENEFITS TO UNITED STATES ECONOMY.—In providing for the establishment or financial support of partnerships or other cooperative arrangements under chapter 148 of title 10, United States Code, using funds made available under section 1311(a), the Secretary of Defense shall ensure that the principal economic benefits of such partnerships and other arrangements accrue to the economy of the United States.

(b) USE OF COMPETITIVE SELECTION PROCEDURES.—Funds made available under subsection (a) of section 1311 for programs of the type described in subsection (b) of such section shall only be provided to projects selected using competitive procedures pursuant to a solicitation incorporating cost-sharing requirements for the non-Federal Government participants in the projects.

(c) CONFORMING AMENDMENT.—Section 2511(e) of title 10, United States Code, is amended by striking out ", except that" and all that follows through "applies".

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1321. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $69,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

(b) PREPARATION ASSISTANCE.—The Secretary of Defense may use up to five percent of the amount specified in subsection (a) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under section 2391(b) of title 10, United States Code.

SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.

(a) ASSISTANCE AVAILABLE.—Not less than 25 percent of the funds made available for fiscal year 1994 to carry out subsection (b) of section 2391 of title 10, United States Code, but not to exceed 50 percent of such funds, shall be used by the Secretary of Defense under paragraphs (1) and (4) of such subsection to make grants, conclude cooperative agreements, and supplement funds available under other Federal programs in order to assist State and local governments in planning and carrying out community adjustments and economic diversification in any community determined by the Secretary—

(1) to be likely to experience a loss of not less than five percent of the total number of civilian jobs in the community as a result of the realignment or closure of a military installation; or

(2) to be adversely affected by the realignment or closure of more than one military installation.

(b) AMOUNT OF PLANNING ASSISTANCE.—In providing assistance on behalf of communities described in subsection (a) under section 2391(b)(1) of title 10, United States Code, the Secretary of Defense shall ensure, to the greatest extent practicable, that the amount of such assistance provided on behalf of each such community for planning community adjustments and economic diversification is not less than $1,000,000 during fiscal year 1994.

(c) ADDITIONAL ADJUSTMENT ASSISTANCE.—In providing adjustment assistance (in addition to the planning assistance provided under subsection (b)) on behalf of communities described in subsection (a), to the maximum extent practicable, favorable consideration shall be given to proposals for economic adjustment implementation assistance of not more than $5,000,000 to be provided in accordance with established criteria, programs, and procedures governing the provision of such assistance.

SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) CONTINUATION OF PROGRAM.—Subsection (a) of section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 2391 note) is amended by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1993 and 1994".

(b) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a) for defense conversion, reinvestment, and transitional assistance programs, not more than $1,000,000 shall be made available to continue the pilot project required under section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 2391 note) with respect to those projects involving relieving the adverse effects upon a community from a combination of the closure or realignment of a military installation and changes in the mission of a national laboratory.

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

(a) EXPANDED COVERAGE OF CERTAIN MEMBERS OF THE ARMED FORCES.—Subsection (e)(1) of section 1151 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 date of the discharge or release".

(b) ELIGIBILITY OF MEMBERS NOT EDUCATIONALLY QUALIFIED FOR TEACHER PLACEMENT ASSISTANCE.—(1) Subsection (c) of such section is amended—

(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) 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 five years after discharge or release from active duty.".

(2) Subsection (e) of such section is amended—

(A) in paragraph (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 date on which the applicant becomes educationally qualified"; and

(B) by adding at the end the following new paragraph:

"(4)(A) The Secretary shall provide under the program for 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.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify in accordance with subsection (c)(2) for teacher placement assistance under the program.".

(c) EXTENSION OF PERIOD OF REQUIRED SERVICE.—(1) Section 1151 of such title is further amended—

(A) in subsection (f)(2), by striking out "two school years" both places it appears and inserting in lieu thereof "five school years";

(B) in subsection (h)(3)(A), by striking out "two consecutive school years" and inserting in lieu thereof "five consecutive school years";

(C) in subsection (h)(5), by striking out "two years" both places it appears and inserting in lieu thereof "five years"; and

(D) in subsection (i)(1), by striking out "two years" both places it appears and inserting in lieu thereof "five years".

(2) Section 1598(d)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(3) Section 2410j(f)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(d) GRANT PAYMENTS.—Subsection (h)(3)(B) of section 1151 of such title is amended by striking out "equal to the lesser of—" and all that follows through "$50,000." and inserting in lieu thereof the following: "based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher's aide. The rate of payment by the Secretary shall be as follows:

"(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.".

(e) INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.—Subsection (h) of such section is amended in paragraphs (1) and (2) by striking out "shall" both places it appears and inserting in lieu thereof "may".

(f) AGREEMENTS WITH STATES.—Subsection (h) of such section is further amended by adding at the end the following new paragraph:

"(7)(A) In addition to the agreements referred to in paragraphs (1) and (2), the Secretary may enter into an agreement directly with a State identified pursuant to subsection (b)(1) to allow the State to arrange the placement of participants in the placement program with local educational agencies identified pursuant to subsection (b)(2) or (b)(3). The Secretary shall consult with the Secretary of Education in entering into agreements with States under this paragraph.

"(B) With respect to an agreement under this paragraph with a State, nothing in this paragraph shall be construed to negate or supersede the authority of any appropriate official or entity of the State to approve those portions of the agreement that are not under the jurisdiction of the chief executive officer of the State.

"(C) The Secretary may reserve up to 10 percent of the funds made available to carry out the placement program for a fiscal year for the placement of participants through agreements entered into under this paragraph. Paragraphs (3) through (6) shall apply with respect to any placement made through such an agreement.".

(g) CLARIFICATION OF STIPEND EXCEPTION.—Subsection (g) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) A member who is separated under the special separation benefits program under section 1174a of this title, receives voluntary separation payments under section 1175 of this title, or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1293 note) shall not be paid a stipend under paragraph (1).".

(h) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (c) and (d) shall not apply with respect to—

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher's aide placement programs established pursuant to sections 1151, 1598, and 2410j of title 10, United States Code; or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.

(a) PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1152. Assistance to separated members to obtain employment with law enforcement agencies

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment as law enforcement officers with State and local law enforcement agencies upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993; and

"(B) has a military occupational specialty, training, or experience related to law enforcement (such as service as a member of the military police) or satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment as law enforcement officers with these agencies. Under such an agreement, a law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the

law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with State and local law enforcement agencies. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including police, corrections, probation, parole, and judicial officers.".

(b) PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

"§ 1153. Assistance to separated members to obtain employment with health care providers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment with health care providers upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) has a military occupational specialty, training, or experience related to health care, is likely to be able to obtain such training in a short period of time (as determined by the Secretary), or satisfies such other criteria for selection as the Secretary may prescribe.

"(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) for 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 five years after discharge or release from active duty.

"(3) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (b)(2), not later than one year after the date on which the applicant becomes educationally qualified. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(3)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (b)(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 in employment positions with health care providers, but who do not satisfy the minimum educational qualification criterion under subsection (b)(1)(B) for placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify in accordance with subsection (b)(2) for placement assistance under the program.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under such an agreement, a health care provider shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with health care providers. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section, the term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.".

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out "program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides." and inserting in lieu thereof "programs established under sections 1151, 1152, and 1153 of this title.".

(d) STUDY ON EXPANSION OF THE LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE THE BORDER PATROL.—(1) The Secretary of Defense, in consultation with the Commissioner of the Immigration and Naturalization Service, shall conduct a study regarding the feasibility of expanding the law enforcement placement program established under section 1152 of title 10, United States Code, as added by subsection (a), to include the placement of members of the Armed Forces who are discharged or released from active duty with the Border Patrol of the Immigration and Naturalization Service.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"1152. Assistance to separated members to obtain employment with law enforcement agencies.

"1153. Assistance to separated members to obtain employment with health care providers.".

SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE EDUCATION AND TRAINING IN ENVIRONMENTAL RESTORATION TO DISLOCATED DEFENSE WORKERS AND YOUNG ADULTS.

(a) GRANT PROGRAM AUTHORIZED.—(1) The Secretary of Defense may establish a program to provide demonstration grants to institutions of higher education to assist such institutions in providing education and training in environmental restoration and hazardous waste management to eligible dislocated defense workers and young adults described in subsection (d). The Secretary shall award the grants pursuant to a merit-based selection process.

(2) A grant provided under this subsection may cover a period of not more than three

fiscal years, except that the payments under the grant for the second and third fiscal year shall be subject to the approval of the Secretary and to the availability of appropriations to carry out this section in that fiscal year.

(b) APPLICATION.—To be eligible for a grant under subsection (a), an institution of higher education shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. The application shall include the following:

(1) An assurance by the institution of higher education that it will use the grant to supplement and not supplant non-Federal funds that would otherwise be available for the education and training activities funded by the grant.

(2) A proposal by the institution of higher education to provide expertise, training, and education in hazardous materials and waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities.

(c) USE OF GRANT FUNDS.—(1) An institution of higher education receiving a grant under subsection (a) shall use the grant to establish a consortium consisting of the institution and one or more of each of the entities described in paragraph (2) for the purpose of establishing and conducting a program to provide education and training in environmental restoration and waste management to eligible individuals described in subsection (d). To the extent practicable, the Secretary shall authorize the consortium to use a military installation closed or selected to be closed under a base closure law in providing on-site basic skills training to participants in the program.

(2) The entities referred to in paragraph (1) are the following:

(A) Appropriate State and local agencies.

(B) Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512)).

(C) Community-based organizations (as defined in section 4(5) of such Act (29 U.S.C. 1503(5)).

(D) Businesses.

(E) Organized labor.

(F) Other appropriate educational institutions.

(d) ELIGIBLE INDIVIDUALS.—A program established or conducted using funds provided under subsection (a) may provide education and training in environmental restoration and waste management to—

(1) individuals who have been terminated or laid off from employment (or have received notice of termination or lay off) as a consequence of reductions in expenditures by the United States for defense, the cancellation, termination, or completion of a defense contract, or the closure or realignment of a military installation under a base closure law, as determined in accordance with regulations prescribed by the Secretary; or

(2) individuals who have attained the age of 16 but not the age of 25.

(e) ELEMENTS OF EDUCATION AND TRAINING PROGRAM.—In establishing or conducting an education and training program using funds provided under subsection (a), the institution of higher education shall meet the following requirements:

(1) The institution of higher education shall establish and provide a work-based learning system consisting of education and training in environmental restoration—

(A) which may include basic educational courses, on-site basic skills training, and mentor assistance to individuals described in subsection (d) who are participating in the program; and

(B) which may lead to the awarding of a certificate or degree at the institution of higher education.

(2) The institution of higher education shall undertake outreach and recruitment efforts to encourage participation by eligible individuals in the education and training program.

(3) The institution of higher education shall select participants for the education and training program from among eligible individuals described in paragraph (1) or (2) of subsection (d).

(4) To the extent practicable, in the selection of young adults described in subsection (d)(2) to participate in the education and training program, the institution of higher education shall give priority to those young adults who—

(A) have not attended and are otherwise unlikely to be able to attend an institution of higher education; or

(B) have, or are members of families who have, received a total family income that, in relation to family size, is not in excess of the higher of—

(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

(ii) 70 percent of the lower living standard income level.

(5) To the extent practicable, the institution of higher education shall select instructors for the education and training program from institutions of higher education, appropriate community programs, and industry and labor.

(6) To the extent practicable, the institution of higher education shall consult with appropriate Federal, State, and local agencies carrying out environmental restoration programs for the purpose of achieving coordination between such programs and the education and training program conducted by the consortium.

(f) SELECTION OF GRANT RECIPIENTS.—To the extent practicable, the Secretary shall provide grants to institutions of higher education under subsection (a) in a manner which will equitably distribute such grants among the various regions of the United States.

(g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE RECIPIENT.—The amount of a grant under subsection (a) that may be made to a single institution of higher education in a fiscal year may not exceed ⅓ of the amount made available to provide grants under such subsection for that fiscal year.

(h) REPORTING REQUIREMENTS.—(1) The Secretary may provide a grant to an institution of higher education under subsection (a) only if the institution agrees to submit to the Secretary, in each fiscal year in which the Secretary makes payments under the grant to the institution, a report containing—

(A) a description and evaluation of the education and training program established by the consortium formed by the institution under subsection (c); and

(B) such other information as the Secretary may reasonably require.

(2) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the President and Congress an interim report containing—

(A) a compilation of the information contained in the reports received by the Secretary from each institution of higher education under paragraph (1); and

(B) an evaluation of the effectiveness of the demonstration grant program authorized by this section.

(3) Not later than January 1, 1997, the Secretary shall submit to the President and Congress a final report containing—

(A) a compilation of the information described in the interim report; and

(B) a final evaluation of the effectiveness of the demonstration grant program authorized by this section, including a recommendation as to the feasibility of continuing the program.

(i) DEFINITIONS.—For purposes of this section:

(1) BASE CLOSURE LAW.—The term "base closure law" means the following:

(A) 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).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) ENVIRONMENTAL RESTORATION.—The term "environmental restoration" means actions taken consistent with a permanent remedy to prevent or minimize the release of hazardous substances into the environment so that such substances do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(3) INSTITUTION OF HIGHER EDUCATION.—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)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(j) CONFORMING REPEAL.—Section 4452 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2701 note) is repealed.

SEC. 1334. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) AUTHORITY.—The Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may establish a scholarship program in order to enable eligible individuals described in subsection (d) to undertake the educational training or activities relating to environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup described in subsection (b) at the institutions of higher education described in subsection (c).

(b) EDUCATIONAL TRAINING OR ACTIVITIES.—(1) The program established under subsection (a) shall be limited to educational training or activities related to—

(A) site remediation;

(B) site characterization;

(C) hazardous waste management;

(D) hazardous waste reduction;

(E) recycling;

(F) process and materials engineering;

(G) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(H) environmental engineering with respect to the construction of facilities to address the items described in subparagraphs (A) through (G).

(2) The program established under subsection (a) shall be limited to educational training or activities designed to enable individuals to achieve specialization in the following fields:

(A) Earth sciences.

(B) Chemistry.

(C) Chemical Engineering.

(D) Environmental engineering.

(E) Statistics.

(F) Toxicology.

(G) Industrial hygiene.

(H) Health physics.

(I) Environmental project management.

(c) ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION.—Scholarship funds awarded under this section shall be used by individuals awarded scholarships to enable such individuals to attend institutions of higher education associated with hazardous substance research centers to enable such individuals to undertake a program of educational training or activities described in subsection (b) that leads to an undergraduate degree, a graduate degree, or a degree or certificate that is supplemental to an academic degree.

(d) ELIGIBLE INDIVIDUALS.—Individuals eligible for scholarships under the program established under subsection (a) are the following:

(1) Any member of the Armed Forces who—

(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; and

(C) is not entitled to retired or retainer pay incident to that separation.

(2) Any civilian employee of the Department of Energy or the Department of Defense (other than an employee referred to in paragraph (3)) who—

(A) is terminated or laid off from such employment during the five-year period beginning on September 30, 1990, as a result of reductions in defense-related spending (as determined by the appropriate Secretary); and

(B) is not entitled to retired or retainer pay incident to that termination or lay off.

(3) Any civilian employee of the Department of Defense whose employment at a military installation approved for closure or realignment under a base closure law is terminated as a result of such closure or realignment.

(e) AWARD OF SCHOLARSHIP.—(1)(A) The Secretary of Defense shall award scholarships under this section to such eligible individuals as the Secretary determines appropriate pursuant to regulations or policies promulgated by the Secretary.

(B) In awarding a scholarship under this section, the Secretary shall—

(i) take into consideration the extent to which the qualifications and experience of the individual applying for the scholarship prepared such individual for the educational training or activities to be undertaken; and

(ii) award a scholarship only to an eligible individual who has been accepted for enrollment in the institution of higher education described in subsection (c) and providing the educational training or activities for which the scholarship assistance is sought.

(2) The Secretary of Defense shall determine the amount of the scholarships awarded under this section, except that the amount of scholarship assistance awarded to any individual under this section may not exceed—

(A) $10,000 in any 12-month period; and

(B) a total of $20,000.

(f) APPLICATION; PERIOD FOR SUBMISSION.—(1) Each individual desiring a scholarship under this section shall submit an application to the Secretary of Defense in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(2) A member of the Armed Forces described in subsection (d)(1) who desires to apply for a scholarship under this section shall submit an application under this subsection not later than 180 days after the date of the separation of the member. In the case of members described in subsection (d)(1) who were separated before the date of the enactment of this Act, the Secretary shall accept applications from these members submitted during the 180-day period beginning on the date of the enactment of this Act.

(3) A civilian employee described in paragraph (2) or (3) of subsection (d) who desires to apply for a scholarship under this section, but who receives no prior notice of such termination or lay off, may submit an application under this subsection at any time after such termination or lay off. A civilian employee described in paragraph (1) or (2) of subsection (d) who receives a notice of termination or lay off shall submit an application not later than 180 days before the effective date of the termination or lay off. In the case of employees described in such paragraphs who were terminated or laid off before the date of the enactment of this Act, the Secretary shall accept applications from these employees submitted during the 180-day period beginning on the date of the enactment of this Act.

(g) REPAYMENT.—(1) Any individual receiving scholarship assistance from the Secretary of Defense under this section shall enter into an agreement with the Secretary under which the individual agrees to pay to the United States the total amount of the scholarship assistance provided to the individual by the Secretary under this section, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational training or activities for which such 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 such individual's 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 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 scholarship assistance provided to an individual under this section, for purposes of repayment under this subsection, shall 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)).

(h) COORDINATION OF BENEFITS.—Any scholarship assistance provided to an individual under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.)

(i) 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 describing the activities undertaken under the program authorized by subsection (a) and containing recommendations for future activities under the program.

(j) FUNDING.—(1) To carry out the scholarship program authorized by subsection (a), the Secretary of Defense may use the unobligated balance of funds made available pursuant to section 4451(k) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2701 note) for fiscal year 1993 for environmental scholarship and fellowship programs for the Department of Defense.

(2) The cost of carrying out the program authorized by subsection (a) may not exceed $8,000,000 in any fiscal year.

(k) DEFINITIONS.—For purposes of this section:

(1) The term "base closure law" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(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 "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 1335. TRAINING AND EMPLOYMENT OF DEPARTMENT OF DEFENSE EMPLOYEES TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) TRAINING PROGRAM.—The Secretary of Defense may establish a program to provide such training to eligible civilian employees of the Department of Defense as the Secretary considers to be necessary to qualify such employees to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed.

(b) EMPLOYMENT OF GRADUATES.—In the case of eligible civilian employees of the Department of Defense who successfully complete the training program established pursuant to subsection (a), the Secretary may—

(1) employ such employees to carry out environmental assessment, remediation, and restoration activities at military installations referred to in subsection (a); or

(2) require, as a condition of a contract for the private performance of such activities at

such an installation, the contractor to be engaged in carrying out such activities to employ such employees.

(c) ELIGIBLE EMPLOYEES.—Eligibility for selection to participate in the training program under subsection (a) shall be limited to those civilian employees of the Department of Defense whose employment would be terminated by reason of the closure of a military installation if not for the selection of the employees to participate in the training program.

(d) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under this section to eligible civilian employees employed at a military installation the closure of which will directly result in the termination of the employment of at least 1,000 civilian employees of the Department of Defense.

(e) EFFECT ON OTHER ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall 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 closed or to be closed.

SEC. 1336. REVISION TO IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

Section 141(s) of the Job Training Partnership Act (29 U.S.C. 1551(s)) is amended to read as follows:

"(s)(1) Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

"(2) The property described in this paragraph is both real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.".

SEC. 1337. DEMONSTRATION PROGRAM FOR THE TRAINING OF RECENTLY DISCHARGED VETERANS FOR EMPLOYMENT IN CONSTRUCTION AND IN HAZARDOUS WASTE REMEDIATION.

(a) ESTABLISHMENT.—The Secretary of Defense may establish a demonstration program to promote the training and employment of veterans in the construction and hazardous waste remediation industries. Using funds made available to carry out this section the Secretary shall make grants under the demonstration program to organizations that meet the eligibility criteria specified in subsection (b).

(b) GRANT ELIGIBILITY CRITERIA.—An organization is eligible to receive a grant from the Secretary under subsection (a) if it—

(1) demonstrates, to the satisfaction of the Secretary, an ability to recruit and counsel veterans for participation in the demonstration program under this section;

(2) has entered into an agreement with a joint labor-management training fund established consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) to implement and operate a training and employment program for veterans;

(3) agrees under the agreement referred to in paragraph (2) to use grant funds to carry out a program that will provide eligible veterans with training for employment in the construction and hazardous waste remediation industries;

(4) provides such training for an eligible veteran for not more than 18 months;

(5) demonstrates actual experience in providing training for veterans under an agreement referred to in paragraph (2);

(6) agrees to make, along with all subgrantees, a substantial in-kind contribution (as determined by the Secretary of Defense) from non-Federal sources to the demonstration program under this section; and

(7) gives its assurances, to the satisfaction of the Secretary, that full time, permanent jobs will be available for individuals successfully completing the training program, with a special emphasis on jobs with employers in construction and hazardous waste remediation on Department of Defense facilities.

(c) ELIGIBLE VETERANS.—An individual is an eligible veteran for the purposes of this section if the individual—

(1)(A) served in the active military, naval, or air service for a period of at least two years;

(B) was discharged or released from active duty because of a service-connected disability; or

(C) is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more; and

(2) was discharged or released on or after August 2, 1990, under conditions other than dishonorable.

(d) PREFERENCE.—In carrying out the demonstration program under this section, the Secretary shall ensure that a preference is given to eligible veterans who had a primary or secondary occupational specialty in the Armed Forces that (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) is not readily transferable to the civilian work force.

(e) HAZARDOUS WASTE OPERATIONS TRAINING GOAL.—It is the sense of Congress that at least 20 percent of the total number of veterans completing training under the demonstration program under this section should complete the training required—

(1) for certification under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (29 U.S.C. 655 note); and

(2) under any other Federal law which requires certification for employees engaged in hazardous waste remediation operations.

(f) USE OF FUNDS.—Funds made available to carry out this section may only be used for tuition and stipends to cover the living and travel expenses of participants, except that the Secretary may provide that not more than a total of four percent of all the funds made available under this section may be used for administrative expenses of grantees and subgrantees.

(g) LIMITATION ON TUITION CHARGED.—The amount of tuition charged eligible veterans participating in a training program funded under the demonstration program may not exceed the amount of tuition charged to nonveterans participating in programs substantially similar to that training program.

(h) LIMITATION ON EXPENDITURES PER PARTICIPANT.—Of the funds made available to carry out this section—

(1) not more than $1,000 may be expended with respect to each veteran participating in the construction phase of the demonstration program; and

(2) not more than an additional $1,000 may be expended with respect to each veteran participating in the hazardous waste remediation phase of the demonstration program, except that the Secretary may authorize an additional $300 for the training of a veteran participating in such phase if the Secretary determines that such additional amount is necessary because of the type of training needed for the particular kind of hazardous waste remediation involved.

(i) REPORTS.—(1) Not later than November 1, 1994, the Secretary shall submit to Congress an interim report describing the manner in which the demonstration program under this section is being carried out, including a detailed description of the number of grants made, the number of veterans involved, the kinds of training received, and any job placements that have occurred or that are anticipated.

(2) Not later than December 31, 1995, the Secretary shall submit to Congress a final report containing a description of the results of the demonstration program with a detailed description of the number of grants made, the number of veterans involved, the number of veterans who completed the program, the number of veterans who were placed in jobs, the number of veterans who failed to complete the program along with the reasons for such failure, and any recommendations the Secretary considers to be appropriate.

(j) DEFINITIONS.—For purposes of this section, the terms "veteran", service-connected", "active duty", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (16), (21), and (24), respectively, of section 101 of title 38, United States Code.

(k) TERMINATION.—Not later than October 1, 1994, the Secretary shall obligate, in accordance with the provisions of this section, the funds made available to carry out the demonstration program under this section.

SEC. 1338. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.

(a) AUTHORIZATION FOR FISCAL YEAR 1994.—Section 4495(a)(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484; 106 Stat. 2768; 10 U.S.C. 1143 note) is amended by inserting after the first sentence the following: "Of the amounts made available pursuant to section 1302(a) of the National Defense Authorization Act for Fiscal Year 1994, $25,000,000 shall be made available for the purpose of making payments to employers under this subtitle.".

(b) TIME PERIOD FOR APPLICATION AND INITIATION OF TRAINING.—Section 4496 of such Act (106 Stat. 2769) is amended—

(1) in paragraph (1), by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996"; and

(2) in paragraph (2), by striking out "March 31, 1996" and inserting in lieu thereof "March 31, 1997".

(c) PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.—Section 4489 of such Act (106 Stat. 2764) is amended in the first sentence by inserting "or any other institution offering a program of job training, as approved by the Secretary of Veterans Affairs," after "United States Code,".

SEC. 1339. AMENDMENTS TO DEFENSE DIVERSIFICATION PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.

(a) EXPANDED ELIGIBILITY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—Section 325A(b)(2)(B)(ii) of the Job Training Partnership Act (29 U.S.C. 1662d-1(b)(2)(B)(ii)) is amended—

(1) in subclause (I), by striking out "and" after the semicolon;

(2) in subclause (II), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subclauses:

"(III) section 2687 of title 10, United States Code; and

"(IV) any other similar law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

(b) DEMONSTRATION PROJECTS.—Section 325A(k)(1) of the Job Training Partnership Act (29 U.S.C. 1662d-1(k)(1)) is amended—

(1) in subparagraph (B), by striking out "and" after the semicolon;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) projects involving teams of transition assistance specialists from Federal, State, and local agencies to provide onsite services, including assisting affected communities in short-term and long-term planning and assisting affected individuals through counseling and referrals to appropriate services, at the site of such reductions or closures within 60 days of the announcement of such reductions or closures;

"(E) projects to assist in establishing transition assistance centers at the installations where large dislocations occur to provide comprehensive services to individuals affected by such dislocations;

"(F) projects involving the joint efforts of Federal agencies, such as the Department of Labor, the Department of Defense, the Department of Commerce, and the Small Business Administration, to assist communities affected by such reductions or closures in developing integrated community planning processes to facilitate the retraining of affected individuals and the conversion of installations to commercial uses;

"(G) projects to develop new information and data systems to assist individuals and communities affected by such reductions or closures, including the development of data bases with the capability to provide an affected individual with a civilian economy skills profile which takes into account the skills acquired while working on defense-related matters; and

"(H) projects to assist small and medium-sized firms affected by such reductions or closures in the formation of learning consortia, which will promote joint efforts for staff training, human resource development, product development, and the marketing of products.".

(c) STAFF TRAINING, ADMINISTRATION, AND COORDINATION.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1) is amended—

(1) by redesignating subsection (l) as subsection (o); and

(2) by adding the following new subsections after subsection (k):

"(l) STAFF TRAINING AND TECHNICAL ASSISTANCE.—In carrying out the grant program established under subsection (a), the Secretary of Defense may provide staff training and technical assistance services to States, communities, businesses, and labor organizations, and other entities involved in providing adjustment assistance to workers.

"(m) ADMINISTRATIVE EXPENSES.—Not more than 2 percent of the funds available to the Secretary of Defense to carry out this section for any fiscal year may be retained by the Secretary of Defense for the administration of activities authorized under this section.

"(n) COORDINATION WITH TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of Defense, in consultation with the Secretary of Labor, shall ensure that activities carried out under this section are coordinated with relevant activities carried out pursuant to title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1890).".

Subtitle D—National Shipbuilding Initiative

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "National Shipbuilding and Shipyard Conversion Act of 1993".

SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.

(a) ESTABLISHMENT OF PROGRAM.—There shall be a National Shipbuilding Initiative program, to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient, internationally competitive industry.

(b) ADMINISTERING DEPARTMENTS.—The program shall be carried out—

(1) by the Secretary of Defense, with respect to programs under the jurisdiction of the Secretary of Defense; and

(2) by the Secretary of Transportation, with respect to programs under the jurisdiction of the Secretary of Transportation.

(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:

(1) FINANCIAL INCENTIVES PROGRAM.—A financial incentives program to provide loan guarantees to initiate commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity.

(2) TECHNOLOGY DEVELOPMENT PROGRAM.—A technology development program, to be carried out within the Department of Defense by the Advanced Research Projects Agency, to improve the technology base for advanced shipbuilding technologies and related dual-use technologies through activities including a development program for innovative commercial ship design and production processes and technologies.

(3) NAVY'S AFFORDABILITY THROUGH COMMONALITY PROGRAM.—Enhanced support by the Secretary of Defense for the shipbuilding program of the Department of the Navy known as the Affordability Through Commonality (ATC) program, to include enhanced support (A) for the development of common modules for military and commercial ships, and (B) to foster civil-military integration into the next generation of Naval surface combatants.

(4) NAVY'S MANUFACTURING TECHNOLOGY AND TECHNOLOGY BASE PROGRAMS.—Enhanced support by the Secretary of Defense for, and strengthened funding for, that portion of the Manufacturing Technology program of the Navy, and that portion of the Technology Base program of the Navy, that are in the areas of shipbuilding technologies and ship repair technologies.

SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGEMENT THROUGH ADVANCED RESEARCH PROJECTS AGENCY.

The Secretary of Defense shall designate the Advanced Research Projects Agency of the Department of Defense as the lead agency of the Department of Defense for activities of the Department of Defense which are part of the National Shipbuilding Initiative program. Those activities shall be carried out as part of defense conversion activities of the Department of Defense.

SEC. 1354. ADVANCED RESEARCH PROJECTS AGENCY FUNCTIONS AND MINIMUM FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.

(a) ARPA FUNCTIONS.—The Secretary of Defense, acting through the Director of the Advanced Research Projects Agency, shall carry out the following functions with respect to the National Shipbuilding Initiative program:

(1) Consultation with the Maritime Administration, the Office of Economic Adjustment, the National Economic Council, the National Shipbuilding Research Project, the Coast Guard, the National Oceanic and Atmospheric Administration, appropriate naval commands and activities, and other appropriate Federal agencies on—

(A) development and transfer to the private sector of dual-use shipbuilding technologies, ship repair technologies, and shipbuilding management technologies;

(B) assessments of potential markets for maritime products; and

(C) recommendation of industrial entities, partnerships, joint ventures, or consortia for short- and long-term manufacturing technology investment strategies.

(2) Funding and program management activities to develop innovative design and production processes and the technologies required to implement those processes.

(3) Facilitation of industry and Government technology development and technology transfer activities (including education and training, market assessments, simulations, hardware models and prototypes, and national and regional industrial base studies).

(4) Integration of promising technology advances made in the Technology Reinvestment Program of the Advanced Research Projects Agency into the National Shipbuilding Initiative to effect full defense conversion potential.

(b) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—

(1) MAXIMUM DEPARTMENT OF DEFENSE SHARE.—The Secretary of Defense shall ensure that the amount of funds provided by the Secretary to a non-Federal government participant does not exceed 50 percent of the total cost of technology development and technology transfer activities.

(2) REGULATIONS.—The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. In prescribing the regulations, the Secretary may determine that a participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be included in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity contribution in the program from non-Federal sources.

SEC. 1355. AUTHORITY FOR SECRETARY OF TRANSPORTATION TO MAKE LOAN GUARANTEES.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

"SEC. 1111. (a) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—The Secretary may guarantee obligations for eligible export vessels—

"(1) in accordance with the terms and conditions of this title applicable to loan guarantees in the case of vessels documented under the laws of the United States; or

"(2) in accordance with such other terms as the Secretary determines to be more favorable than the terms otherwise provided in this title and to be compatible with export credit terms offered by foreign governments for the sale of vessels built in foreign shipyards.

"(b) INTERAGENCY COUNCIL.—

"(1) ESTABLISHMENT; COMPOSITION.—There is hereby established an interagency council for the purposes of this section. The council shall be composed of the Secretary of Transportation, who shall be chairman of the Council, the Secretary of the Treasury, the Secretary of State, the Assistant to the President for Economic Policy, the United States Trade Representative, and the President and Chairman of the United States Export-Import Bank, or their designees.

"(2) PURPOSE OF THE COUNCIL.—The council shall—

"(A) obtain information on shipbuilding loan guarantees, on direct and indirect subsidies, and on other favorable treatment of shipyards provided by foreign governments to shipyards in competition with United States shipyards; and

"(B) provide guidance to the Secretary in establishing terms for loan guarantees for eligible export vessels under subsection (a)(2).

"(3) CONSULTATION WITH U.S. SHIPBUILDERS.—The council shall consult regularly with United States shipbuilders to obtain the essential information concerning international shipbuilding competition on which to set terms and conditions for loan guarantees under subsection (a)(2).

"(4) ANNUAL REPORT.—Not later than January 31 of each year (beginning in 1995), the Secretary of Transportation shall submit to Congress a report on the activities of the Secretary under this section during the preceding year. Each report shall include documentation of sources of information on assistance provided by the governments of other nations to shipyards in those nations and a summary of recommendations made to the Secretary during the preceding year regarding applications submitted to the Secretary during that year for loan guarantees under this title for construction of eligible export vessels.".

(b) IMPLEMENTATION.—

(1) INITIAL DESIGNATION OF COUNCIL MEMBERS.—Each member of the council established under section 1111(b) of the Merchant Marine Act, 1936, as added by subsection (a), shall name a designee for service on the council not later than 30 days after the date of the enactment of this Act. Each such member shall promptly notify the Secretary of Transportation of that designation.

(2) DESIGNATION OF SENIOR MARAD OFFICIAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall designate a senior official within the Maritime Administration to have the responsibility and authority to carry out the terms and conditions set forth under section 1111 of title XI the Merchant Marine Act, 1936, as added by subsection (a). The Secretary shall make the designation of that official known through a public announcement in a national periodical.

SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

(1) ELIGIBLE EXPORT VESSEL DEFINED.—Section 1101 is amended by adding at the end the following new subsection:

"(o) The term 'eligible export vessel' means a vessel constructed, reconstructed, or reconditioned in the United States for use in world-wide trade which will, upon delivery or redelivery, be placed under or continued to be documented under the laws of a country other than the United States.".

(2) LIMITATIONS ON GUARANTEE OBLIGATIONS.—Section 1103 is amended—

(A) by amending the first sentence of subsection (f) to read as follows: "The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed $12,000,000,000, of which (1) $850,000,000 shall be limited to obligations pertaining to guarantees of obligations for fishing vessels and fishery facilities made under this title, and (2) $3,000,000,000 shall be limited to obligations pertaining to guarantees of obligations for eligible export vessels."; and

(B) by adding at the end the following new subsection:

"(g)(1) The Secretary may not issue a commitment to guarantee obligations for an eligible export vessel unless, after considering—

"(A) the status of pending applications for commitments to guarantee obligations for vessels documented under the laws of the United States and operating or to be operated in the domestic or foreign commerce of the United States,

"(B) the economic soundness of the applications referred to in subparagraph (A), and

"(C) the amount of guarantee authority available,

the Secretary determines, in the sole discretion of the Secretary, that the issuance of a commitment to guarantee obligations for an eligible export vessel will not result in the denial of an economically sound application to issue a commitment to guarantee obligations for vessels documented under the laws of the United States operating in the domestic or foreign commerce of the United States.

"(2) The Secretary may not issue commitments to guarantee obligations for eligible export vessels under this section after the later of—

"(A) the 5th anniversary of the date on which the Secretary publishes final regulations setting forth the application procedures for the issuance of commitments to guarantee obligations for eligible export vessels,

"(B) the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export vessels have been continuously available, or

"(C) the last date on which those commitments may be issued under any treaty or convention entered into after the date of the enactment of the National Shipbuilding and Shipyard Conversion Act of 1993 that prohibits guarantee of those obligations.".

(3) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is amended—

(A) by amending so much of subsection (a)(1) as precedes the proviso to read as follows:

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel (including an eligible export vessel), which is designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade as defined in section 905 of this Act for purposes of title V of this Act; or (D) as an ocean thermal energy conversion facility or plantship; (E) with respect to floating drydocks in the construction, reconstruction, reconditioning, or repair of vessels; or (F) with respect to an eligible export vessel, in world-wide trade;";

(B) by amending subsection (b)(2)—

(i) by striking "subject to the provisions of paragraph (1) of subsection (c) of this section," and inserting "subject to the provisions of subsection (c)(1) and subsection (i),", and

(ii) by inserting before the semicolon at the end the following: ": *Provided further*, That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ of the actual cost or depreciated actual cost of the eligible export vessel";

(C) by amending subsection (b)(6) by inserting after "United States Coast Guard" the following: "or, in the case of an eligible export vessel, of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party";

(D) in subsection (d), by adding at the end the following new paragraph:

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this title for the construction, reconstruction, or reconditioning of an eligible export vessel unless—

"(A) the Secretary finds that the construction, reconstruction, or reconditioning of that vessel will aid in the transition of United States shipyards to commercial activities or will preserve shipbuilding assets that would be essential in time of war or national emergency, and

"(B) the owner of the vessel agrees with the Secretary of Transportation that the vessel shall not be transferred to any country designated by the Secretary of Defense as a country whose interests are hostile to the interests of the United States."; and

(E) by adding at the end the following new subsections:

"(i) The Secretary may not, with respect to—

"(1) the general 75 percent or less limitation in subsection (b)(2);

"(2) the 87½ percent or less limitation in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or section 1112(b); or

"(3) the 80 percent or less limitation in the 3rd proviso to such subsection;

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.

"(j)(1) Upon receiving an application for a loan guarantee for an eligible export vessel, the Secretary shall promptly provide to the Secretary of Defense notice of the receipt of the application. During the 30-day period beginning on the date on which the Secretary of Defense receives such notice, the Secretary of Defense may disapprove the loan guarantee based on the assessment of the Secretary of the potential use of the vessel in a manner that may cause harm to United States national security interests. The Secretary of Defense may not disapprove a loan guarantee under this section solely on the basis of the type of vessel to be constructed with the loan guarantee. The authority of the Secretary to disapprove a loan guarantee under this section may not be delegated to

any official other than a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(2) The Secretary of Transportation may not make a loan guarantee disapproved by the Secretary of Defense under paragraph (1).".

(4) LIMITATION ON AUTHORITY TO ESTABLISH UNIFORM PERCENTAGE LIMITATION.—Section 1104B is amended by adding at the end of subsection (b) the following flush sentence:

"The Secretary may not by rule, regulation, or procedure establish any percentage within the 87½ percent or less limitation in paragraph (2) that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section.".

(5) CONFORMING AMENDMENT.—Section 1103(a) is amended in the first sentence by striking ", upon application by a citizen of the United States,".

SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZATION AND IMPROVEMENT.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

"SEC. 1112. (a) The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for advanced shipbuilding technology and modern shipbuilding technology of a general shipyard facility located in the United States.

"(b) Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title, except that guarantees or commitments to guarantee made under this section may be in the aggregate principal amount that does not exceed 87½ percent of the actual cost of the advanced shipbuilding technology or modern shipbuilding technology.

"(c) The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) of making guarantees or commitments to guarantee loans entered into under this section.

"(d) For purposes of this section:

"(1) The term 'advanced shipbuilding technology' includes—

"(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving shipbuilding and related industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve shipbuilding quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(2) The term 'modern shipbuilding technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of shipyards.

"(3) The term 'general shipyard facility' means—

"(A) for operations on land—

"(i) any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment or rebuilding of any vessel (as defined in title 1, United States Code) and including graving docks, building ways, ship lifts, wharves, and pier cranes;

"(ii) the land necessary for any structure or appurtenance described in clause (i); and

"(iii) equipment that is for the use in connection with any structure or appurtenance and that is necessary for the performance of any function referred to in subparagraph (A);

"(B) for operations other than on land, any vessel, floating drydock or barge built in the United States and used for, equipped to be used for, or of a type that is normally used for activities referred to in subparagraph (A)(i) of this paragraph.".

(b) CONFORMING AMENDMENT.—Section 1101(n) of that Act (46 App. U.S.C. 1271(n)) is amended by striking "vessels." and inserting "vessels and general shipyard facilities (as defined in section 1112(d)(3)).".

SEC. 1358. ELIGIBLE SHIPYARDS.

To be eligible to receive loan guarantee assistance under title XI of the Merchant Marine Act, 1936, a shipyard must be a private shipyard located in the United States.

SEC. 1359. FUNDING FOR CERTAIN LOAN GUARANTEE COMMITMENTS FOR FISCAL YEAR 1994.

(a) FUNDING.—(1) The amount appropriated to the Secretary of Defense pursuant to the authorization of appropriations in section 108 shall be available only for transfer to the Secretary of Transportation and shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under (A) section 1104A(a)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(a)(1)), as amended by section 1356, or section 1111(a)(2) of such Act, as added by section 1355, for vessels of at least 5,000 gross tons that are commercially marketable on the international market (including eligible export vessels), and (B) section 1112 of the Merchant Marine Act, 1936, as added by section 1357.

(2) Of the amount referred to in paragraph (1) that is obligated in any year, not more than 12½ percent may be obligated for costs of new loan guarantee commitments under section 1112 of the Merchant Marine Act, 1936, as added by section 1357.

(3) In making loan guarantee commitments using funds referred to in paragraph (1) for the purpose described in paragraph (2), the Secretary of Transportation shall give priority to applications from shipyards that have engaged in naval vessel construction.

(b) TRANSFER TO SECRETARY OF TRANSPORTATION.—Subject to the provisions of appropriations Acts, amounts made available under subsection (a) shall be transferred to the Secretary of Transportation for use as described in that subsection. Any such transfer shall be made not later than 90 days after the date of the enactment of an Act appropriating the funds to be transferred.

(c) LIMITATIONS ON THE USE OF DEPARTMENT OF DEFENSE FUNDS.—(1) Funds available to the Secretary of Transportation from the Department of Defense under this section may be obligated only to the extent that an equal amount of funds is available for purposes of this section from non-Department of Defense sources.

(2) Funds available as of the date of the enactment of this Act under loan guarantee programs under title XI of the Merchant Marine Act, 1936, are considered non-Department of Defense funds for purposes of paragraph (1).

SEC. 1360. COURT SALE TO ENFORCE PREFERRED MORTGAGE LIENS FOR EXPORT VESSELS.

Section 31326(b) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting ", including a preferred mortgage lien on a foreign vessel whose mortgage has been guaranteed under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.)" after "preferred mortgage lien", and

(2) in paragraph (2), by inserting "whose mortgage has not been guaranteed under title XI of that Act" after "foreign vessel".

SEC. 1361. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR DEPARTMENT OF TRANSPORTATION.—There is authorized to be appropriated to the Secretary of Transportation for fiscal year 1994 the sum of $10,000,000 to pay administrative costs related to new loan guarantee commitments described in subsection (a) of section 1359.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under the authority of this section shall remain available until expended.

SEC. 1362. REGULATIONS.

(a) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations as necessary to carry out the Secretary's responsibilities under this title (including the amendments made by this title).

(b) INTERIM REGULATIONS.—The Secretary of Transportation may prescribe interim regulations necessary to carry out this title and for accepting applications under title XI of the Merchant Marine Act, 1936, as amended by this title. For that purpose, the Secretary is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All regulations prescribed under this subsection that are not earlier superseded by final rules shall expire 270 days after the date of the enactment of this Act.

SEC. 1363. SHIPYARD CONVERSION AND REUSE STUDIES.

(a) STUDIES REQUIRED.—The Secretary of Defense shall make community adjustment and diversification assistance available under section 2391(b) of title 10, United States Code, for the purpose of—

(1) conducting a study regarding the feasibility of converting and reutilizing the Charleston Naval Shipyard, South Carolina, as a facility primarily oriented toward commercial use; and

(1) conducting a study regarding the feasibility of converting and reutilizing the Mare Island Naval Shipyard, California, as a facility primarily oriented toward commercial use

(b) FUNDING.—Of the amount made available pursuant to section 1302(a), $500,000 shall be available to carry out each of the studies required by subsection (a).

Subtitle E—Other Matters

SEC. 1371. ENCOURAGEMENT OF THE PURCHASE OR LEASE OF VEHICLES PRODUCING ZERO OR VERY LOW EXHAUST EMISSIONS.

From funds authorized to be appropriated in subtitle A of title I and section 301 for the purchase or lease of non-tactical administrative vehicles (such as automobiles, utility trucks, buses, and vans), the Secretary of Defense is encouraged to expend not less than 10 percent of such funds for the purchase or lease of vehicles producing zero or very low exhaust emissions.

SEC. 1372. REVISION TO REQUIREMENTS FOR NOTICE TO CONTRACTORS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

Section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2753; 10 U.S.C. 2501 note) is amended to read as follows:

"SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN MAJOR DEFENSE PROGRAMS.

"(a) NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Each year, in conjunction with the preparation of the budget for the next fiscal year to be submitted to Congress under section 1105 of title 31, United States Code, the Secretary of Defense shall determine which major defense programs (if any) are proposed to be terminated or substantially reduced under the budget. As soon as reasonably practicable after the date on which the budget is submitted to Congress under such section, and not more than 180 days after such date, the Secretary, in accordance with regulations prescribed by the Secretary, shall provide notice of the proposed termination of, or substantial reduction in, each such program—

"(1) directly to each prime contractor under that program; and

"(2) by general notice through publication in the Federal Register.

"(b) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Each year, as soon as reasonably practicable after the date of the enactment of an Act appropriating funds for the military functions of the Department of Defense, and not more than 180 days after such date, the Secretary of Defense, in accordance with regulations prescribed by the Secretary—

"(1) shall determine which major defense programs (if any) of the Department of Defense that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

"(2) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

"(A) directly to each prime contractor under that program;

"(B) directly to the Secretary of Labor; and

"(C) by general notice through publication in the Federal Register.

"(c) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under subsection (a) or (b) of the termination of, or substantial reduction in, that program, and not more than 45 days after such date, the prime contractor shall—

"(1) provide notice of that termination or substantial reduction to each person that is a first-tier subcontractor for that program under a contract in an amount not less than $500,000 for the program; and

"(2) require that each such subcontractor—

"(A) provide such notice to each of its subcontractors for the program under a contract in an amount in excess of $100,000; and

"(B) impose a similar notice and pass through requirement to subcontractors in an amount in excess of $100,000 at all tiers.

"(d) CONTRACTOR NOTICE TO EMPLOYEES AND STATE DISLOCATED WORKER UNIT.—Not later than two weeks after a defense contractor receives notice under subsection (a)(1) or (b)(1), as the case may be, of the termination of, or substantial reduction in, a defense program, the contractor shall provide notice of such termination or substantial reduction to—

"(1)(A) each representative of employees whose work is directly related to the defense contract under such program and who are employed by the defense contractor; or

"(B) if there is no such representative at that time, each such employee; and

"(2) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur.

"(e) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a major defense program provided under subsection (d)(1) to an employee of a contractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d-1), except where the employer has specified that the termination of, or substantial reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act (29 U.S.C. 1661c(b)) and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act (29 U.S.C. 1661c(c)).

"(f) WITHDRAWAL OF NOTIFICATION UPON SUFFICIENT FUNDING FOR PROGRAM TO CONTINUE.—

"(1) NOTICE TO PRIME CONTRACTOR.—If the Secretary of Defense provides a notification under subsection (a) for a fiscal year with respect to a major defense program and the Secretary subsequently determines, upon enactment of an Act appropriating funds for the military functions of the Department of Defense for that fiscal year that due to a sufficient level of funding for the program having been provided in that Act there will not be a termination of, or substantial reduction in, that program, then the Secretary shall provide notice of withdrawal of the notification provided under subsection (a) to each prime contractor that received that notice under such subsection. Any such notice of withdrawal shall be provided as soon as reasonably practicable after the date of the enactment of the appropriations Act concerned. In any such case, the Secretary shall at the same time provide general notice of such withdrawal by publication in the Federal Register.

"(2) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under paragraph (1) of the withdrawal of a notification previously provided to the contractor under subsection (a), and not more than 45 days after that date, the prime contractor shall provide notice of such withdrawal to each person that is a first-tier subcontractor for the program under a contract in an amount not less than $500,000 for the program and shall require that each such subcontractor provide such notice to each subcontractor for the program under a contract in an amount not less than $100,000 at any tier.

"(3) NOTICE TO EMPLOYEES.—As soon as reasonably practicable after the date on which a prime contractor receives notice of withdrawal under paragraph (1) or a subcontractor receives such a notice under paragraph (2), and not more than two weeks after that date, the contractor or subcontractor shall provide notice of such withdrawal—

"(A) to each representative of employees whose work is directly related to the defense contract under the program and who are employed by the contractor or subcontractor or, if there is no such representative at that time, each such employee;

"(B) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

"(C) to each grantee under section 325(a) or 325A(a) of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d-1) providing training, adjustment assistance, and employment services to an employee described in this paragraph.

"(4) LOSS OF ELIGIBILITY.—An employee who receives a notice of withdrawal under paragraph (3) shall not be eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d-1) beginning on the date on which the employee receives the notice.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'major defense program' means a program that is carried out to produce or acquire a major system (as defined in section 2302(5) of title 10, United States Code).

"(2) The terms 'substantial reduction' and 'substantially reduced', with respect to a major defense program, mean a reduction of 25 percent or more in the total dollar value of contracts under the program.".

SEC. 1373. REGIONAL RETRAINING SERVICES CLEARINGHOUSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Labor, in consultation with the Secretary of Defense, may carry out a demonstration project to establish one or more regional retraining services clearinghouses to serve eligible persons described in subsection (b).

(b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERVICES.—The following persons shall be eligible to receive services through the clearinghouses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(c) INFORMATIONAL ACTIVITIES OF CLEARINGHOUSES.—The clearinghouses shall—

(1) collect educational materials that have been prepared for the purpose of providing information regarding available retraining programs, in particular those programs dealing with critical skills needed in advanced manufacturing and skill areas in which shortages of skilled employees exist;

(2) establish and maintain a data base for the purpose of storing and categorizing such materials based on the different needs of eligible persons; and

(3) furnish such materials, upon request, to educational institutions and other interested persons.

(d) FUNDING.—From the unobligated balance of funds made available pursuant to section 4465(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 29 U.S.C. 1662d-1 note) to carry out section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1), not more than $10,000,000 shall be available to the Secretary of Labor to carry out this section during fiscal year 1994. Funds made available under section 1302 for defense conversion, reinvestment, and transition assistance programs shall not be used to carry out this section.

SEC. 1374. USE OF NAVAL INSTALLATIONS TO PROVIDE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS.

(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of the Navy may conduct a demonstration project to test the feasibility of using Navy facilities to provide employment training to nonviolent offenders in a State penal system prior to their release from incarceration. The demonstration project shall be limited to not more than three military installations under the jurisdiction of the Secretary.

(b) AGREEMENTS WITH NONPROFIT ORGANIZATIONS.—The Secretary may enter into a cooperative agreement with one or more private, nonprofit organizations for purposes of providing at the military installations included in the demonstration project the prerelease employment training authorized under subsection (a).

(c) USE OF FACILITIES.—Under a cooperative agreement entered into under subsection (b), the Secretary may lease or otherwise make available to a nonprofit organization participating in the demonstration project at a military installation included in the demonstration project any real property or facilities at the installation that the Secretary considers to be appropriate for use to provide the prerelease employment training authorized under subsection (a). Notwithstanding section 2667(b)(4) of title 10, United States Code, the use of such real property or facilities may be permitted with or without reimbursement.

(d) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept voluntary services provided by persons participating in the prerelease employment training authorized under subsection (a).

(e) LIABILITY AND INDEMNIFICATION.—A nonprofit organization participating in the demonstration project shall be liable for any loss or damage to Government property that may result from, or in connection with, the provision of prerelease employment training by the organization under demonstration project. The nonprofit organization also shall hold harmless and indemnify the United States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from or in connection with the demonstration project.

(f) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report evaluating the success of the demonstration project and containing such recommendations with regard to the termination, continuation, or expansion of the demonstration project as the Secretary considers to be appropriate.

TITLE XIV—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Defense Burden Sharing

SEC. 1401. DEFENSE BURDENS AND RESPONSIBILITIES.

(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 constant fiscal year 1985 dollars.

(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.

(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 approximately 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 as a result of the following provisions of law:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which requires 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 provides 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 develop a plan to gradually reduce 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 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 to reduce the costs incurred by the United States in basing military forces overseas in the following ways:

(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 NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to share more fully the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(ii) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) 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.

(c) REDUCING UNITED STATES OVERSEAS BASING COSTS.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify 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)(B), 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 United States of all tax liability that, with respect to forces located in that country, is incurred by the Armed Forces of the United States 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)(B) 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. 2763) (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.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including construction and improvement of military family housing) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000), except to the extent provided by the Secretary of Defense under paragraph (3).

(2) For purposes of this subsection, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including construction and improvement of military family housing) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(3) The Secretary of Defense may increase the amount of the limitation under paragraph (1) by such amount or amounts as the Secretary determines to be necessary in the national interest, but not to exceed a total increase of $582,700,000. The Secretary may not increase the amount of such limitation under the preceding sentence until the Secretary provides notice to Congress of the Secretary's intent to authorize such an increase and a period of 15 days elapses after the day on which such notice is provided.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1402. BURDEN SHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end a new section 2350j consisting of—

(1) a heading as follows:

"§ 2350j. Burden sharing contributions by designated countries and regional organizations";

and

(2) a text consisting of the text of section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1465), revised—

(A) in subsection (a)—

(i) by replacing "During fiscal years 1992 and 1993, the Secretary" with "The Secretary";

(ii) by inserting ", after consultation with the Secretary of State," after "Secretary of Defense";

(iii) by deleting "from Japan, Kuwait, and the Republic of Korea"; and

(iv) by inserting "from any country or regional organization designated for purposes of this section by the Secretary of Defense, in consultation with the Secretary of State"; and

(B) in subsection (f)—

(i) by replacing "each quarter of fiscal years 1992 and 1993" with "each fiscal year";

(ii) by replacing "congressional defense committees" with "Congress";

(iii) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)"; and

(iv) by replacing "the preceding quarter" in paragraphs (1) and (2) with "the preceding fiscal year".

(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 designated countries and regional organizations.".

Subtitle B—North Atlantic Treaty Organization

SEC. 1411. FINDINGS, SENSE OF CONGRESS, AND REPORT REQUIREMENT CONCERNING NORTH ATLANTIC TREATY ORGANIZATION.

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

(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 40 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 greatly diminished with the end of the Cold War.

(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 responsibilities and the burdens of pursuing international security and stability with other nations.

(8) Several of the newly democratic nations of Central and Eastern Europe and the former Soviet Union 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, area of responsibility, 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) The meeting of the NATO heads of state scheduled for January 1994, presents an excellent opportunity for the President 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) SENSE OF CONGRESS.—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 having greatly diminished, and new, more diverse challenges having arisen (including ethno-religious conflict in Central and Eastern Europe and the former Soviet Union and the proliferation of weapons of mass destruction in regions proximate to alliance territory), 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) NATO should review its consultative mechanisms in order to maximize its ability to marshal political, diplomatic, social, and economic solidarity, buttressed by credible military capability, and to bring the full weight and scope of its cooperative efforts to bear in addressing the new challenges; and

(3) 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.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit a report to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. The report shall contain recommendations on the following:

(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 manner in which NATO should continue to adapt its consultative process, including efforts to extend that process to the new democracies of Central and Eastern Europe and the former Soviet Union, so as to enhance its political, diplomatic, social, economic, and military efforts to project stability eastward and maximize its capabilities in crisis prevention and crisis management.

(3) The feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance.

(4) The manner in which NATO should restructure its forces, training and equipment for the new security environment, including with regard to mulitnational peacekeeping activities.

(5) The desirability of expanding the alliance to include traditionally neutral nations or the new democratic nations of Central and Eastern Europe and the former Soviet Union that wish to join NATO.

(6) 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.

(7) The structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee.

(8) The extent to which NATO liaison teams should be assigned to the United Nations and the Conference on Security and Cooperation in Europe so as to facilitate better coordination among these organizations, especially in regard to crisis prevention and crisis management.

(9) The desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy.

(10) 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.

(11) 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. 1412. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) BIENNIAL NATO REPORT.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note), is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

(b) REPORT ON ALLIED CONTRIBUTIONS.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

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

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

(3) by adding at the end the following new paragraph:

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.".

(c) FINDING AND SENSE OF CONGRESS.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003(c) of the National Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

SEC. 1413. PERMANENT AUTHORITY TO CARRY OUT AWACS MEMORANDA OF UNDERSTANDING.

Section 2350e of title 10, United States Code, is amended by striking out subsection (d).

Subtitle C—Export of Defense Articles

SEC. 1421. EXTENSION OF AUTHORITY FOR CERTAIN FOREIGN GOVERNMENTS TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)(3)) is amended by inserting "or fiscal year 1992" after "fiscal year 1991".

SEC. 1422. REPORT ON EFFECT OF INCREASED USE OF DUAL-USE TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.

(a) REPORT REQUIREMENT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing what effect the increased use of dual-use and commercial technologies and items by the Department of Defense could have on the ability of the United States to control adequately the export of sensitive dual-use and military technologies and items to nations to whom the receipt of such technologies is contrary to United States national security interests.

(b) EFFECT ON DEFENSE PROGRAMS.—The report required by subsection (a) shall include—

(1) an assessment of the national security implications of any lowering of licensing controls on the export of dual-use items and technology, to include an assessment of the effect such lowering of controls could have on operational United States defense programs and capabilities and planned United States defense programs and capabilities;

(2) a description of the steps the Secretary of Defense intends to take to ensure that any decontrol of dual-use items and technology does not place at risk the technology and defense capability lead that the United States currently enjoys; and

(3) a description of the steps the Department of Defense intends to take to mitigate any possible increase in the proliferation threat resulting from decontrol of dual-use items and technology.

(c) CONSULTATION.—The report required by subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

SEC. 1423. EXTENSION OF LANDMINE EXPORT MORATORIUM.

(a) 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 Department of State estimates that 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 10 years from 1983 through 1992, the United States approved 10 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 October 23, 1992, when a one-year moratorium on sales, transfers, and exports by the United States of anti-personnel landmines was enacted into law (in section 1365

of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 22 U.S.C. 2778 note)), 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, 10 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 that duration would extend the 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.

(b) STATEMENT OF POLICY.—

(1) It is 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—

(A) the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification; and

(B) the United States should—

(i) participate in a United Nations conference to review the Landmine Protocol; and

(ii) 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 the manufacture, possession, and use of anti-personnel landmines.

(c) THREE-YEAR EXTENSION OF LANDMINE MORATORIUM.—Section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 22 U.S.C. 2778 note) is amended by striking out "For a period of one year beginning on the date of the enactment of this Act" and inserting in lieu thereof "During the four-year period beginning on October 23, 1992".

(d) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means any of the following:

(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.

Subtitle D—Other Matters

SEC. 1431. CODIFICATION OF PROVISION RELATING TO OVERSEAS WORKLOAD PROGRAM.

(a) CODIFICATION.—(1) Chapter 138 of title 10, United States Code, is amended by inserting after section 2348 the following new section:

"§ 2349. Overseas Workload Program

"(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

"(b) SITE OF PERFORMANCE.—A contract awarded to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

"(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

"(1) could adversely affect the military preparedness of the armed forces; or

"(2) would violate the terms of an international agreement to which the United States is a party.

"(d) DEFINITION.—In this section, the term 'major non-NATO ally' has the meaning given that term in section 2350a(i)(3) of this title.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2348 the following new item:

"2349. Overseas Workload Program.".

(b) CONFORMING AMENDMENTS.—(1) Section 1465 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1700) is repealed.

(2) Section 9130 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1935), is amended—

(A) in subsection (b), by striking out ", or thereafter,"; and

(B) in subsection (d), by striking out "or thereafter" each place it appears.

SEC. 1432. AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

(a) LIMITATION ON SOURCE OF FUNDS FOR NEW UNITED STATES DIPLOMATIC FACILITIES.—(1) As of January 1, 1995, the United States may not purchase, construct, lease, or otherwise occupy any facility as an embassy, chancery, or consular facility in Germany unless that facility is purchased, constructed, modified, or leased with funds provided by the Government of Germany 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 Status-of-Forces Agreement with the Government of Germany in effect on the date of the enactment of this Act.

(2) The limitation in paragraph (1) does not apply with respect to any facility occupied as of January 1, 1995, by United States diplomatic personnel.

(b) CERTIFICATION.—As of January 1, 1995, the Secretary of State (and any representative of the Secretary of State) may not enter into any legal instrument to purchase, construct, modify, or lease any facility described in subsection (a) until the Secretary of Defense certifies to the appropriate committees of Congress that the United States 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 Status-of-Forces Agreement with the Government of Germany in effect on the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1433. CONSENT OF CONGRESS TO SERVICE BY RETIRED MEMBERS IN MILITARY FORCES OF NEWLY DEMOCRATIC NATIONS.

(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) CONSENT OF CONGRESS.—(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 members with newly democratic nations: consent of Congress

"(a) CONSENT OF CONGRESS.—Subject to subsection (b), Congress consents to a retired member of the uniformed services—

"(1) accepting employment by, or holding an office or position in, the military forces of a newly democratic nation; and

"(2) accepting compensation associated with such employment, office, or position.

"(b) APPROVAL REQUIRED.—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 only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) DETERMINATION OF NEWLY DEMOCRATIC NATIONS.—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.

"(d) REPORTS TO CONGRESSIONAL COMMITTEES.—The Secretary concerned and the Secretary of State shall notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives of each approval under subsection (b) and each determination under subsection (c).

"(e) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member 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).

"(f) RETIRED MEMBER DEFINED.—In this section, the term 'retired member' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.

"(g) CIVIL EMPLOYMENT BY FOREIGN GOVERNMENTS.—For a provision of law providing the consent of Congress to civil employment by foreign governments, see section 908 of title 37.".

(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 members with newly democratic nations: consent of Congress.".

(c) CONFORMING CROSS REFERENCE.—Section 908 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting "CONGRESSIONAL CONSENT.—" after "(a)";

(2) in subsection (b), by inserting "APPROVAL REQUIRED.—" after "(b)"; and

(3) by adding at the end the following:

"(c) MILITARY SERVICE IN FOREIGN ARMED FORCES.—For a provision of law providing the consent of Congress to service in the military forces of certain foreign nations, see section 1058 of title 10.".

(d) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

SEC. 1434. SEMIANNUAL REPORT ON EFFORTS TO SEEK COMPENSATION FROM GOVERNMENT OF PERU FOR DEATH AND WOUNDING OF CERTAIN UNITED STATES SERVICEMEN.

(a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the Government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C-130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

(b) SEMIANNUAL REPORT.—Not later than December 1 and June 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a report on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the Government of Peru has paid fair and equitable compensation as described in subsection (b).

TITLE XV—INTERNATIONAL PEACEKEEPING AND HUMANITARIAN ACTIVITIES

Subtitle A—Assistance Activities

SEC. 1501. 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. Any assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1994 for operation and maintenance or (notwithstanding the second sentence of subsection (b) of that section) from balances in working capital funds.

(b) ADDITIONAL LIMITATIONS.—Subsection (c) of section 403 of title 10, United States Code, is amended—

(1) by striking out "RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS in the subsection heading;

(2) by striking out "and" at the end of paragraphs (1) and (2);

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

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

"(4) only if the United States has received written commitments that the United States will be fully and promptly reimbursed by the United Nations or the regional organization involved for outstanding obligations incurred through an arrangement designated under United Nations practices as a 'letter of assist' or a similar arrangement for logistics support, supplies, services, and equipment provided by the Department of Defense on a contract basis to the United Nations or the regional organization involved; and

"(5) only if the Department of Defense will receive any reimbursement to the United States from the United Nations or a regional organization for outstanding obligations incurred through an arrangement designated under United Nations practices as a 'letter of assist' or a similar arrangement for logistics support, supplies, services, and equipment provided by the Department of Defense on a contract basis to the United Nations or the regional organization involved, unless such reimbursement to the Department of Defense is otherwise precluded by law.".

(c) EXTENSION OF AUTHORITY.—Subsection (h) of such section is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 1502. REPORT ON MULTINATIONAL PEACEKEEPING AND PEACE ENFORCEMENT.

(a) REPORT REQUIRED.—Not later than April 1, 1994, the President, after seeking the views of the Secretary of State and the Secretary of Defense, shall submit to the committees specified in subsection (c) 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, the 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 multinational operations, multinational training, and multinational doctrine development.

(3) Proposals for establishing regional entities, on an ad hoc basis or a permanent basis, to conduct peacekeeping or peace enforcement operations under a United Nations mandate as an alternative to direct United Nations involvement in such operations.

(4) A summary of progress made by the United States, in consultation with other nations, to develop doctrine for peacekeeping and peace enforcement operations and plans to conduct exercises with other nations for such purposes.

(5) Proposals for criteria for determining whether to commence new peacekeeping missions, including, in the case of any such mission, criteria for determining the threat to international peace to be addressed by the mission, the precise objectives of the mission, the costs of the mission, and the proposed endpoint of the mission.

(6) The principles, criteria, or considerations guiding decisions to place United States forces under foreign command or to decline to put United States forces under foreign command.

(7) Proposals to establish opportunities within the Armed Forces for voluntary assignment to duty in units designated for assignment to multinational peacekeeping and peace enforcement missions.

(8) 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;

(iv) regarding possible sources of international revenue for United Nations peacekeeping and peace enforcement missions;

(v) regarding the need to lower the United States peacekeeping assessment to the same percentage as the United States assessment to the regular United Nations budget; and

(vi) regarding a revision of the current schedule of payments per servicemember assigned to a peacekeeping mission in order to bring payments more in line with costs.

(9) 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.

(10) Proposals for reorganization of the United Nations Secretariat to provide improved management of peacekeeping operations, including the establishment of a Department of Peace Operations (DPO) and the transfer of the Operations Division from Field Operations into such a department.

(11) Requirement of congressional approval for participation of United States Armed Forces in multinational peacekeeping and peace enforcement missions, including the applicability of the War Powers Resolution and the United Nations Participation Act.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) An evaluation of the potential role of the Military Staff Committee of the United Nations Security Council.

(17) Training requirements for foreign military personnel designated to participate in peacekeeping operations, including an assessment of the nation, nations, or organizations that might best provide such training and at what cost.

(18) 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.

(c) COMMITTEES TO RECEIVE REPORT.—The committees to which the report under this section are to be submitted are—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1503. MILITARY-TO-MILITARY CONTACT.

(a) CONTINUATION OF CERTAIN MILITARY-TO-MILITARY PROGRAMS.—Of the amounts authorized to be appropriated pursuant to section 301 for Defense-wide activities, $10,000,000 shall be made available to continue efforts that were initiated by the commander of a United States unified command and approved by the chairman of the Joint Chiefs of Staff for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society.

(b) LIMITATION.—Subsection (a) applies only to activities initiated by September 30, 1993, and only in the case of countries with which those activities had been initiated by that date.

SEC. 1504. HUMANITARIAN AND CIVIC ASSISTANCE.

(a) REGULATIONS.—The regulations required to be prescribed under section 401 of title 10, United States Code, shall be prescribed not later than March 1, 1994. In prescribing such regulations, the Secretary of Defense shall consult with the Secretary of State.

(b) LIMITATION ON USE OF FUNDS.—Section 401(c)(2) of title 10, United States Code, is amended by inserting before the period the following: ", except that funds appropriated to the Department of Defense for operation and maintenance (other than funds appropriated pursuant to such paragraph) may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance".

(c) NOTIFICATIONS REGARDING HUMANITARIAN RELIEF.—Any notification provided to the appropriate congressional committees with respect to assistance activities under section 2551 of title 10, United States Code, shall include a detailed description of any items for which transportation is provided that are excess nonlethal supplies of the Department of Defense, including the quantity, acquisition value, and value at the time of the transportation of such items.

(d) REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the appropriate congressional committees a report on the activities planned to be carried out by the Department of Defense during fiscal year 1995 under sections 401, 402, 2547, and 2551 of title 10, United States Code. The report shall include information, developed after consultation with the Secretary of State, on the distribution of excess nonlethal supplies transferred to the Secretary of State during fiscal year 1993 pursuant to section 2547 of that title.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1995 to Congress pursuant to section 1105 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—The funds authorized to be appropriated by section 301(18) shall be available to carry out humanitarian and civic assistance activities under sections 401, 402, and 2551 of title 10, United States Code.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

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

Subtitle B—Policies Regarding Specific Countries

SEC. 1511. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions imposed on Serbia and Montenegro, as in effect on the date of the enactment of this Act, that were imposed by or pursuant to the following directives of the executive branch shall (except as provided under subsections (d) and (e)) remain in effect until changed by 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.—No funds appropriated or otherwise made available by law may be obligated or expended on behalf of the government of Serbia or the government of Montenegro.

(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 from that institution to the government of Serbia or the government of Montenegro, except for basic human needs.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against Serbia and Montenegro that are described in subsection (a) those United States-supported programs, projects, or activities that involve reform of the electoral process, the development of democratic institutions or democratic political parties, or humanitarian assistance (including refugee care and human rights observation).

(e) WAIVER AUTHORITY.—(1) The President may waive or modify the application, in whole or in part, of any sanction described in subsection (a), the prohibition in subsection (b), or the requirement in subsection (c).

(2) Such a waiver or modification may only be effective upon certification by the President to Congress that the President has determined that the waiver or modification is necessary (A) to meet emergency humanitarian needs, or (B) to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

SEC. 1512. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD 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.

TITLE XVI—ARMS CONTROL MATTERS

Subtitle A—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 1601. STUDY OF GLOBAL PROLIFERATION OF STRATEGIC AND ADVANCED CONVENTIONAL MILITARY WEAPONS AND RELATED EQUIPMENT AND TECHNOLOGY.

(a) STUDY.—The President shall conduct a study of (1) the factors that contribute to the proliferation of strategic and advanced conventional military weapons and related equipment and technologies, and (2) the policy options that are available to the United States to inhibit such proliferation.

(b) CONDUCT OF STUDY.—In carrying out the study the President shall do the following:

(1) Identify those factors contributing to global weapons proliferation which can be most effectively regulated.

(2) Identify and assess policy approaches available to the United States to discourage the transfer of strategic and advanced conventional military weapons and related equipment and technology.

(3) Assess the effectiveness of current multilateral efforts to control the transfer of such military weapons and equipment and such technology.

(4) Identify and examine methods by which the United States could reinforce these multilateral efforts to discourage the transfer of such weapons and equipment and such technology, including placing conditions on assistance provided by the United States to other nations.

(5) Identify the circumstances under which United States national security interests might best be served by a transfer of conventional military weapons and related equipment and technology, and specifically assess whether such circumstances exist when such a transfer is made to an allied country which, with the United States, has mutual national security interests to be served by such a transfer.

(6) Assess the effect on the United States economy and the national technology and industrial base (as defined by section 2491(1) of title 10, United States Code) which might result from potential changes in United States policy controlling the transfer of such military weapons and related equipment and the technology.

(c) ADVISORY BOARD.—(1) Within 15 days after the date of the enactment of this Act, the President shall establish an Advisory Board on Arms Proliferation Policy. The advisory board shall be composed of 5 members. The President shall appoint the members from among persons in private life who are noted for their stature and expertise in matters covered by the study required under subsection (a) and shall ensure, in making the appointments, that the advisory board is composed of members from diverse backgrounds. The President shall designate one of the members as chairman of the advisory board.

(2) The President is encouraged—

(A) to obtain the advice of the advisory board regarding the matters studied pursuant to subsection (a) and to consider that advice in carrying out the study; and

(B) to ensure that the advisory board is informed in a timely manner and on a continuing basis of the results of policy reviews carried out under the study by persons outside the board.

(3) The members of the advisory board shall receive no pay for serving on the advisory board. However, the members shall be allowed travel expenses and per diem in accordance with the regulations referred to in paragraph (6).

(4) Upon request of the chairman of the advisory board, the Secretary of Defense or the head of any other Federal department or agency may detail, without reimbursement for costs, any of the personnel of the department or agency to the advisory board to assist the board in carrying out its duties.

(5) The Secretary of Defense shall designate a federally funded research and development center with expertise in the matters covered by the study required under subsection (a) to provide the advisory board with such support services as the advisory board may need to carry out its duties.

(6) Except as otherwise provided in this section, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall apply to the advisory board. Subsections (e) and (f) of section 10 of such Act do not apply to the advisory board.

(7) The advisory board shall terminate 30 days after the date on which the President submits the final report of the advisory board to Congress pursuant to subsection (d)(2)(B).

(d) REPORTS.—(1) The Advisory Board on Arms Proliferation Policy shall submit to the President, not later than May 15, 1994, a report containing its findings, conclusions, and recommendations on the matters covered by the study carried out pursuant to subsection (a).

(2) The President shall submit to Congress, not later than June 1, 1994—

(A) a report on the study carried out pursuant to subsection (a), including the President's findings and conclusions regarding the matters considered in the study; and

(B) the report of the Advisory Board on Arms Proliferation Policy received under paragraph (1), together with the comments, if any, of the President on that report.

SEC. 1602. EXTENSION OF EXISTING AUTHORITIES.

(a) EXTENSION TO FISCAL YEAR 1994.—Section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended by striking out "fiscal year 1993" in subsections (a), (d)(1), and (e) and inserting in lieu thereof "fiscal year 1994".

(b) FUNDING.—Subsection (d)(3) of such section is amended—

(1) by striking out "40,000,000" and inserting in lieu thereof "$25,000,000, including funds used for activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq"; and

(2) by striking out the second sentence.

(c) REPEAL OF NOTICE-AND-WAIT REQUIREMENT.—Subsection (d) of such section is further amended by striking out paragraph (4).

SEC. 1603. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) AUTHORIZATION TO CONDUCT STUDIES.—During fiscal year 1994, the Secretary of Defense may conduct studies and analysis programs in support of counterproliferation policy of the United States.

(b) COUNTERPROLIFERATION STUDIES.—Studies and analysis programs under this section may include programs intended to explore defense policy issues that might be involved in efforts to prevent and counter the proliferation of weapons of mass destruction and their delivery systems. Such efforts include—

(1) enhancing United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction;

(2) cooperating in international programs to enhance military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction; and

(3) otherwise contributing to Department of Defense capabilities to deter, identify, monitor, and respond to such terrorism, theft, and proliferation involving weapons of mass destruction.

(c) DESIGNATION OF COORDINATOR.—The Under Secretary of Defense for Policy, subject to the supervision and control of the Secretary of Defense, shall coordinate the policy studies and analysis of the Department of Defense on countering proliferation of weapons of mass destruction and their delivery systems.

(d) FUNDS.—Funds for programs authorized in this section shall be derived from amounts made available to the Department of Defense for fiscal year 1994 or from balances in working capital accounts of the Department of Defense. The total amount expended for fiscal year 1994 to carry out studies and analysis programs under subsection (a) may not exceed $6,000,000.

(e) RESTRICTION.—None of the funds referred to in subsection (d) shall be available for the purposes stated in this section until 15 days after the date on which the Secretary of Defense submits to the appropriate congressional committees a report setting forth—

(1) a description of all of the activities within the Department of Defense that are being carried out or are to be carried out for the purposes stated in this section;

(2) the plan for coordinating and integrating those activities within the Department of Defense;

(3) the plan for coordinating and integrating those activities with those of other Federal agencies; and

(4) the sources of the funds to be used for such purposes.

(f) REPORT.—Not later than April 30 of each year, and not later than October 30 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report on the activities carried out under subsection (a). Each report shall set forth for the six-month period ending on the last day of the month preceding the month in which the report is due the following:

(1) A description of the studies and analysis carried out.

(2) The amounts spent for such studies and analysis.

(3) The organizations that conducted the studies and analysis.

(4) An explanation of the extent to which such studies and analysis contributes to the counterproliferation policy of the United States and United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction.

(5) A description of the measures being taken to ensure that such studies and analysis within the Department of Defense is managed effectively and coordinated comprehensively.

SEC. 1604. SENSE OF CONGRESS REGARDING UNITED STATES CAPABILITIES TO PREVENT AND COUNTER WEAPONS PROLIFERATION.

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 State, the Department of Energy,

the Arms Control and Disarmament Agency, and the intelligence community have important roles, as well as unique capabilities and expertise, in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons, 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;

(3) the Department of Defense, the Department of Energy, and the intelligence community have unique capabilities and expertise that contribute directly 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

(4) the United States should continue to maintain and improve its capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 1605. JOINT COMMITTEE FOR REVIEW OF PROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) There is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of State.

(C) The Secretary of Energy.

(D) The Director of Central Intelligence.

(E) The Director of the United States Arms Control and Disarmament Agency.

(F) 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 and Technology 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) review the programs (including the crisis management program) developed by the Department of State to counter terrorism involving weapons of mass destruction and their delivery systems;

(4) 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;

(5) identify deficiencies in existing capabilities and technologies;

(6) 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

(7) 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, the Department of State, the Department of Energy, the intelligence community, and the Arms Control and Disarmament Agency 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 recommendation 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.

(f) TERMINATION OF COMMITTEE.—The committee shall cease to exist six months after the date on which the report of the Secretary of Defense under section 1605 is submitted to Congress.

SEC. 1606. 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 by section 1604.

(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 1604(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 1604(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 Department of Defense—

(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. 1607. DEFINITIONS.

For purposes of this subtitle:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, 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).

Subtitle B—International Nonproliferation Activities

SEC. 1611. NUCLEAR NONPROLIFERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has been seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons is now a leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring.

(4) Aside from the five declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) The IAEA is a valuable international institution to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by financial constraints.

(6) The Nuclear Non-Proliferation Treaty codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995.

(7) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continued strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(b) COMPREHENSIVE NUCLEAR NON-PROLIFERATION POLICY.—In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it should be the policy of the United States to pursue a comprehensive policy to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world, with the following additional objectives:

(1) Successful conclusion of all pending nuclear arms control and disarmament agreements with all the republics of the former Soviet Union and their secure implementation.

(2) Full participation by all the republics of the former Soviet Union in all multilateral nuclear nonproliferation efforts and acceptance of IAEA safeguards on all their nuclear facilities.

(3) Strengthening of United States and international support to the IAEA so that the IAEA has the technical, financial, and political resources to verify that countries are complying with their nonproliferation commitments.

(4) Strengthening of nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(5) Reduction in incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(6) Support for the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(7) Reaching agreement with the Russian Federation to end the production of new types of nuclear warheads.

(8) Pursuing, once the START I treaty and the START II treaty are ratified by all parties, a multilateral agreement to significantly reduce the strategic nuclear arsenals of the United States and the Russian Federation to below the levels of the START II treaty, with lower levels for the United Kingdom, France, and the People's Republic of China.

(9) Reaching immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and working to achieve worldwide agreements to—

(A) end in the shortest possible time the production of weapons-usable fissile material;

(B) place existing stockpiles of such materials under bilateral or international controls; and

(C) require countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthening IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguard reforms.

(11) Conclusion of a multilateral comprehensive nuclear test ban treaty.

(c) REQUIREMENTS FOR IMPLEMENTATION OF POLICY.—(1) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report, in unclassified form, with a classified appendix if necessary, on the actions the United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this section.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report in unclassified form, with a classified appendix if necessary, which—

(A) addresses the implications of the adoption by the United States of a policy of no-first-use of nuclear weapons;

(B) addresses the implications of an agreement with the other nuclear weapons states to adopt such a policy; and

(C) addresses the implications of a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapons states this zero option for tactical nuclear weapons.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "IAEA" means the International Atomic Energy Agency.

(2) The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(3) The term "non-nuclear weapon state" means any country that is not a nuclear weapon state.

(4) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(5) The term "nuclear weapon state" means any country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(6) The term "weapons-usable fissile materials" means highly enriched uranium and separated or reprocessed plutonium.

(7) The term "policy of no first use of nuclear weapons" means a commitment not to initiate the use of nuclear weapons.

(8) The term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

SEC. 1612. CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY.

(a) LIMITATION.—Until a certification under subsection (b) is made, no funds may be obligated or expended by the United States for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons.

(b) CERTIFICATION OF RUSSIA'S COMMITMENT TO HALT CHEMICAL SEPARATION OF WEAPON-GRADE PLUTONIUM.—The prohibition in subsection (a) shall cease to apply upon a certification by the President to Congress that Russia—

(1) is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

(2) is taking all practical steps to halt such separation at the earliest possible date.

(c) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will (1) cease all production and separation of weapon-grade plutonium, and (2) halt chemical separation of plutonium produced in civil nuclear power reactors.

(d) REPORT.—Not later than June 1, 1994, the President shall submit to Congress a report on the status of efforts by the United States to secure the commitments and achieve the objective described in subsections (b) and (c). The President shall include in the report a discussion of the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.

SEC. 1613. NORTH KOREA AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) FINDINGS.—The Congress finds the following:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, to which 156 states are party, is the cornerstone of the international nuclear nonproliferation regime.

(2) Any nonnuclear weapon state that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons is obligated to accept International Atomic Energy Agency safeguards on all source or special fissionable material that is within its territory, under its jurisdiction, or carried out under its control anywhere.

(3) The International Atomic Energy Agency is permitted to conduct inspections in a nonnuclear weapon state that is a party to the Treaty at any site, whether or not declared by that state, to ensure that all source or special fissionable material in that state is under safeguards.

(4) North Korea acceded to the Treaty on the Non-Proliferation of Nuclear Weapons as

a nonnuclear weapons state in December 1985.

(5) North Korea, after acceding to that treaty, refused until 1992 to accept International Atomic Energy Agency safeguards as required under the treaty.

(6) Inspections of North Korea's nuclear materials by the International Atomic Energy Agency suggested discrepancies in North Korea's declarations regarding special nuclear materials.

(7) North Korea has not given a scientifically satisfactory explanation for those discrepancies.

(8) North Korea refused to provide International Atomic Energy Agency inspectors with full access to two sites for the purposes of verifying its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons.

(9) When called upon by the International Atomic Energy Agency to provide such full access as required by the Treaty, North Korea announced its intention to withdraw from the Treaty, effective after the required three months notice.

(10) After intensive negotiations with the United States, North Korea agreed to suspend its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and begin consultations with the International Atomic Energy Agency on providing access to its suspect sites.

(11) In an attempt to persuade North Korea to abandon its nuclear weapons program, the United States has offered to discuss with North Korea specific incentives that could be provided for North Korea once (A) outstanding inspection issues between North Korea and the International Atomic Energy Agency are resolved, and (B) progress is made in bilateral talks between North Korea and South Korea.

(b) CONGRESSIONAL STATEMENTS.—The Congress—

(1) notes that the continued refusal of North Korea nearly eight years after ratification of the Treaty on the Non-Proliferation of Nuclear Weapons to fully accept International Atomic Energy Agency safeguards raises serious questions regarding a possible North Korean nuclear weapons program;

(2) notes that possession by North Korea of nuclear weapons (A) would threaten peace and stability in Asia, (B) would jeopardize the existing nuclear non-proliferation regime, and (C) would undermine the goal of the United States to extend the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 review conference;

(3) urges continued pressure from the President, United States allies, and the United Nations Security Council on North Korea to adhere to the Treaty and provide full access to the International Atomic Energy Agency in the shortest time possible;

(4) urges the President, United States allies, and the United Nations Security Council to press for continued talks between North Korea and South Korea on denuclearization of the Korean peninsula;

(5) urges that no trade, financial, or other economic benefits be provided to North Korea by the United States or United States allies until North Korea has (A) provided full access to the International Atomic Energy Agency, (B) satisfactorily explained any discrepancies in its declarations of bomb-grade material, and (C) fully demonstrated that it does not have or seek a nuclear weapons capability; and

(6) calls on the President and the international community to take steps to strengthen the international nuclear nonproliferation regime.

SEC. 1614. 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 the policy described in paragraph (4) 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 been successful in dissuading other countries from pursuing space launch vehicle programs in part by offering to cooperate with those countries 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) STRICT INTERPRETATION OF MTCR.—The Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(1) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(2) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of the diversion of such technology to military purposes.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government and the governments of other nations adhering to the Missile Technology Control Regime should be recognized by the international community for—

(1) the success of those governments in restricting the export of space launch vehicle technology and of missile technology; and

(2) 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.

(d) DEFINITION.—For purposes of this section, 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.

TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

SEC. 1701. CONDUCT OF THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.

(a) GENERAL.—The Secretary of Defense shall carry out the chemical and biological defense program of the United States in accordance with the provisions of this section.

(b) MANAGEMENT AND OVERSIGHT.—In carrying out his responsibilities under this section, the Secretary of Defense shall do the following:

(1) Assign responsibility for overall coordination and integration of the chemical and biological warfare defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

(2) Take those actions necessary to ensure close and continuous coordination between (A) the chemical and biological warfare defense program, and (B) the chemical and biological medical defense program.

(3) Exercise oversight over the chemical and biological defense program through the Defense Acquisition Board process.

(c) COORDINATION OF THE PROGRAM.—The Secretary of Defense shall designate the Army as executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation, and acquisition, requirements of the military departments for chemical and biological warfare defense programs of the Department of Defense.

(d) FUNDING.—(1) The budget for the Department of Defense for each fiscal year after fiscal year 1994 shall reflect a coordinated and integrated chemical and biological defense program for the military departments.

(2) Funding requests for the program shall be set forth in the budget of the Department of Defense for each fiscal year as a separate account, with a single program element for each of the categories of research, development, test, and evaluation, acquisition, and military construction. Amounts for military construction projects may be set forth in the annual military construction budget. Funds for military construction for the program in the military construction budget shall be set forth separately from other funds for military construction projects. Funding requests for the program may not be included in the budget accounts of the military departments.

(3) All funding requirements for the chemical and biological defense program shall be reviewed by the Secretary of the Army as executive agent pursuant to subsection (c).

(e) MANAGEMENT REVIEW AND REPORT.—(1) The Secretary of Defense shall conduct a review of the management structure of the Department of Defense chemical and biological warfare defense program, including—

(A) research, development, test, and evaluation;

(B) procurement;

(C) doctrine development;

(D) policy;

(E) training;

(F) development of requirements;

(G) readiness; and

(H) risk assessment.

(2) Not later than May 1, 1994, the Secretary shall submit to Congress a report that describes the details of measures being taken to improve joint coordination and oversight of the program and ensure a coherent and effective approach to its management.

SEC. 1702. CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES.

The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.

SEC. 1703. ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall include in the annual report of the Secretary under section 113(c) of title 10, United States Code, a report on chemical and biological warfare defense. The report shall assess—

(1) the overall readiness of the Armed Forces to fight in a chemical-biological warfare environment and shall describe steps taken and planned to be taken to improve such readiness; and

(2) requirements for the chemical and biological warfare defense program, including requirements for training, detection, and protective equipment, for medical prophylaxis, and for treatment of casualties resulting from use of chemical or biological weapons.

(b) MATTERS TO BE INCLUDED.—The report shall include information on the following:

(1) The quantities, characteristics, and capabilities of fielded chemical and biological defense equipment to meet wartime and peacetime requirements for support of the Armed Forces, including individual protective items.

(2) The status of research and development programs, and acquisition programs, for required improvements in chemical and biological defense equipment and medical treatment, including an assessment of the ability of the Department of Defense and the industrial base to meet those requirements.

(3) Measures taken to ensure the integration of requirements for chemical and biological defense equipment and material among the Armed Forces.

(4) The status of nuclear, biological, and chemical (NBC) warfare defense training and readiness among the Armed Forces and measures being taken to include realistic nuclear, biological, and chemical warfare simulations in war games, battle simulations, and training exercises.

(5) Measures taken to improve overall management and coordination of the chemical and biological defense program.

(6) Problems encountered in the chemical and biological warfare defense program during the past year and recommended solutions to those problems for which additional resources or actions by the Congress are required.

(7) A description of the chemical warfare defense preparations that have been and are being undertaken by the Department of Defense to address needs which may arise under article X of the Chemical Weapons Convention.

(8) A summary of other preparations undertaken by the Department of Defense and the On-Site Inspection Agency to prepare for and to assist in the implementation of the convention, including activities such as training for inspectors, preparation of defense installations for inspections under the convention using the Defense Treaty Inspection Readiness Program, provision of chemical weapons detection equipment, and assistance in the safe transportation, storage, and destruction of chemical weapons in other signatory nations to the convention.

SEC. 1704. SENSE OF CONGRESS CONCERNING FEDERAL EMERGENCY PLANNING FOR RESPONSE TO TERRORIST THREATS.

It is the sense of Congress that the President should strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State, and local agencies for development of a capability for early detection and warning of and response to—

(1) potential terrorist use of chemical or biological agents or weapons; and

(2) emergencies or natural disasters involving industrial chemicals or the widespread outbreak of disease.

SEC. 1705. AGREEMENTS TO PROVIDE SUPPORT TO VACCINATION PROGRAMS OF DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) AGREEMENTS AUTHORIZED.—The Secretary of Defense may enter into agreements with the Secretary of Health and Human Services to provide support for vaccination programs of the Secretary of Health and Human Services in the United States through use of the excess peacetime biological weapons defense capability of the Department of Defense.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing Department of Defense support for vaccination programs under subsection (a) and shall identify resource requirements that are not within the Department's capability.

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 for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$42,650,000
Alaska	Fort Wainwright	$740,000
	Fort Richardson	$10,000,000
Arizona	Fort Huachuca	$8,850,000
California	Fort Irwin	$5,900,000
Colorado	Fort Carson	$4,050,000
	Fitzsimons Medical Center	$4,400,000
Georgia	Fort Benning	$37,650,000
	Fort Stewart	$20,300,000
	Fort Gillem	$2,600,000
Hawaii	Schofield Barracks	$18,600,000
Kansas	Fort Riley	$14,642,000
Kentucky	Fort Campbell	$40,300,000
	Fort Knox	$41,350,000
Maryland	Aberdeen Proving Ground	$21,700,000
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	$6,200,000
New York	Fort Drum	$2,950,000
	United States Military Academy, West Point	$13,800,000
North Carolina	Fort Bragg	$118,690,000
Oklahoma	Fort Sill	$27,000,000
Pennsylvania	Tobyhanna Army Depot	$750,000
South Carolina	Fort Jackson	$2,700,000
Texas	Fort Bliss	$29,600,000
	Fort Hood	$56,500,000
	Fort Sam Houston	$5,651,000
Utah	Dugway Proving Ground	$16,500,000
	Tooele Army Depot	$1,500,000
Virginia	Fort Belvoir	$8,860,000
	Fort Lee	$32,600,000
	Fort Myer	$6,800,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Washington	Fort Lewis	$14,200,000
CONUS Various	Classified Locations	$1,852,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the location outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Kwajalein Atoll	Kwajalein	$21,200,000

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) at the installations, for the purposes, and in the amounts 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
Nevada	Hawthorne Army Ammunition Plant	Demolition	$500,000
New York	U.S. 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 $2,378,919,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $650,585,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $21,200,000.

(3) For the construction of the Chemical 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), $95,300,000.

(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, $109,441,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $228,885,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,110,108,000 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 CONSTRUCTION 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. 2587) is amended by striking out the item relating to 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 CONSTRUCTION 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—

(A) under the heading "NEW YORK", by striking out the item relating to Seneca Army Depot; and

(B) under the heading "VIRGINIA", by striking out 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".

SEC. 2106. CONSTRUCTION OF CHEMICAL MUNITIONS DISPOSAL FACILITIES.

(a) LIMITATION ON CONSTRUCTION.—None of the amounts appropriated pursuant to the authorization of appropriations in section 2104(a) may be obligated for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama, until the Secretary of Defense submits a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the Johnston Atoll Chemical Agent Disposal System has operated successfully for a period of six months, has met all required environmental and safety standards, and has proven to be operationally effective; and

(2) if the Secretary of the Army awards a construction contract for the chemical munitions disposal facility at Anniston Army Depot, Alabama, the Secretary of the Army will schedule the award of a construction contract for a chemical munitions disposal facility at another non-low-volume chemical weapons storage site in the continental United States during the same 12-month period in

which the construction contract for the facility at the Anniston Army Depot is awarded.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
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	$40,940,000
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 Naval Inactive Ship Maintenance Facility	$2,620,000
	Pearl Harbor Naval Submarine Base	$54,140,000
	Pearl Harbor Public Works Center	$27,540,000
	Pearl Harbor, Commander, Oceanographic System Pacific, Berthing Pier.	$16,780,000
Indiana	Crane Naval Surface Warfare Center	$9,600,000
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 Warfare Center	$9,300,000
Mississippi	Gulfport Naval Construction Battalion Center	$4,400,000
Nevada	Fallon Naval Air Station	$1,600,000
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
	Philadelphia Naval Shipyard	$13,500,000
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
	Oceana Naval Air Station	$7,100,000
	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	$540,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	Anderson Air Force Base Naval Air Facility	$7,310,000
	Naval Station	$14,520,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
	Fleet/Industrial Supply Center	$21,200,000
	Public Works Center	$7,230,000
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) at the installations, for the purposes, and in the amounts 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
	Whidbey 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 $1,858,505,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $514,100,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $74,350,000.

(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 housing (including functions described in section 2833 of title 10, United States Code), $819,974,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(6) For the construction of the large anachoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2590), $10,000,000.

(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 CONSTRUCTION AND FAMILY HOUSING 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 CONSTRUCTION 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—

(A) under the heading "ALASKA", by striking out the item relating to Adak, Naval Security Group Activity;

(B) under the heading "CALIFORNIA"—

(i) by striking out the item relating to Concord, Naval Weapons Station; and

(ii) by striking out the item relating to Vallejo, Mare Island Naval Shipyard;

(C) under the heading "DISTRICT OF COLUMBIA", in the item relating to Commandant Naval District Washington, by striking out "$5,570,000" and inserting in lieu thereof "$3,520,000";

(D) under the heading "FLORIDA"—

(i) in the item relating to Orlando, Naval Training Center, by striking out "$21,430,000" and inserting in lieu thereof "$13,450,000"; and

(ii) by striking out the item relating to Pensacola, Naval Supply Center;

(E) under the heading "GEORGIA", in the item relating to Kings Bay, Naval Submarine Base, by striking out "$9,780,000" and inserting in lieu thereof "$580,000";

(F) under the heading "MARYLAND", in the item relating to Annapolis, Naval Radio Transmitting Facility, by striking out "$5,220,000" and inserting in lieu thereof "$2,820,000";

(G) under the heading "SOUTH CAROLINA", by striking out the item relating to Charleston, Fleet and Mine Warfare Training Center;

(H) under the heading "VIRGINIA", by striking out the item relating to Norfolk, Naval Station; and

(I) under the heading "WASHINGTON", in the item relating to Whidbey Island, Naval Air Station, by striking out "$6,800,000" and inserting in lieu thereof "$3,451,000".

(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 "$1,759,990,000"; and

(B) in paragraph (1), by striking out "$739,859,000" and inserting in lieu thereof "$667,700,000".

(c) FISCAL YEAR 1991 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) Section

2201(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1763) is amended—

(A) under the heading "ALASKA", in the item relating to Amchitka, Fleet Surveillance Support Command, by striking out "$31,000,000" and inserting in lieu thereof "$25,344,000";

(B) under the heading "CALIFORNIA", by striking out the item relating to Point Mugu, Pacific Missile Test Center;

(C) under the heading "FLORIDA", in the item relating to Key West Naval Air Station, by striking out "$7,030,000" and inserting in lieu thereof "$4,020,000"; and

(D) under the heading "VIRGINIA", by striking out the item relating to Oceana, Naval Air Station.

(2) Section 2202(a) of such Act (104 Stat. 1767) is amended by striking out the item relating to Long Beach, Naval Station, California.

(3) Section 2205(a) of such Act (104 Stat. 1767), as amended by section 2209(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1520), is amended—

(A) by striking out "$1,954,513,000" and inserting in lieu thereof "$1,915,179,000";

(B) in paragraph (1), by striking out "$900,092,000" and inserting in lieu thereof "$885,686,000"; and

(C) in paragraph (7)(A), by striking out "$174,827,000" and inserting in lieu thereof "$149,899,000".

(d) FISCAL YEAR 1990 CONSTRUCTION AND FAMILY HOUSING PROJECTS; DEFENSE ACCESS ROADS.—(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", in the item relating to New York, Naval Station, by striking out "$25,640,000" and inserting in lieu thereof "$20,978,000".

(2) Section 2202(a) of such Act (103 Stat. 1626) is amended by striking out the item relating to El Toro, Marine Corps Air Station, California.

(3) Section 2204(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1627), as amended by section 2209(b)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521), is amended—

(A) by striking out "$1,939,375,000" and inserting in lieu thereof "$1,917,613,000";

(B) in paragraph (1), by striking out "$892,561,000" and inserting in lieu thereof "$883,237,000";

(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 "$177,190,000".

(e) FISCAL YEAR 1989 PROJECT.—(1) Section 2202(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2098), is amended in the item relating to Naval Station, Long Beach, California, by striking out "$26,110,000" and inserting in lieu thereof "$17,038,000".

(2) Section 2205(a) of such Act (102 Stat. 2099), as amended by section 2206(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2593), is amended—

(A) by striking out "$2,361,555,000" and inserting in lieu thereof "$2,352,483,000";

(B) in paragraph (6)(A), by striking out "$250,770,000" and inserting in lieu thereof "$241,698,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex	$4,680,000
	Maxwell Air Force Base	$16,170,000
Alaska	Eielson Air Force Base	$13,300,000
	Elmendorf Air Force Base	$33,305,000
	Cape Roman Air Force Station	$3,350,000
	Fort Richardson	$5,500,000
Arizona	Davis Monthan Air Force Base	$6,150,000
	Luke Air Force Base	$12,750,000
	Navajo Army Depot	$7,250,000
Arkansas	Little Rock Air Force Base	$4,500,000
California	Beale Air Force Base	$3,150,000
	Edwards Air Force Base	$11,300,000
	McClellan Air Force Base	$10,200,000
	Travis Air Force Base	$19,140,000
	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	$13,700,000
	Robins Air Force Base	$43,370,000
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	$10,100,000
New Mexico	Cannon Air Force Base	$11,915,000
	Holloman Air Force Base	$11,100,000
	Kirtland Air Force Base	$35,061,000
North Carolina	Pope Air Force Base	$8,600,000
	Seymour Johnson Air Force Base	$5,380,000
North Dakota	Grand Forks Air Force Base	$16,050,000
	Minot Air Force Base	$10,500,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Ohio	Wright-Patterson Air Force Base	$44,680,000
Oklahoma	Altus Air Force Base	$7,710,000
	Tinker Air Force Base	$20,749,000
	Vance Air Force Base	$11,000,000
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	Brooks Air Force Base	$8,400,000
	Dyess Air Force Base	$15,590,000
	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	$14,580,000
Virginia	Langley Air Force Base	$12,450,000
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 for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
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
Indian Ocean	Diego Garcia Air Base	$2,260,000
Turkey	Incirlik Air Base	$2,400,000
United Kingdom	RAF Mildenhall	$4,800,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State 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	117 units	$7,424,000
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

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(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 $11,901,000.

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)(8)(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 $2,040,031,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $877,539,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $22,452,000.

(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. 2594) for the construction of the climatic test chamber at Eglin Air Force Base, Florida, $37,000,000.

(7) For phase II of the relocation and construction of up to 1,068 family housing units at Scott Air Force Base, Illinois, authorized by section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2596), $10,000,000.

(8) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $177,035,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $838,831,000 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 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(2) Section 2303 of such Act (106 Stat. 2596) is amended by striking out "$150,000,000" and inserting in lieu thereof "$139,649,000".

(3) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out "$2,062,707,000" and inserting in lieu thereof "$2,014,005,000"; and

(B) in paragraph (5)(A), by striking out "$283,786,000" and inserting in lieu thereof "$235,084,000".

(b) FISCAL YEAR 1992 CONSTRUCTION AND FAMILY HOUSING 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 "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(B) under the heading "NEW YORK"—

(i) in the item relating to Griffiss Air Force Base, by striking out "$2,700,000" and inserting in lieu thereof "$1,200,000"; and

(ii) in the item relating to Plattsburgh Air Force Base, by striking out "$9,040,000" and inserting in lieu thereof "$960,000.".

(2) Section 2303 of such Act (105 Stat. 1525) 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), as amended by section 2308(a)(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2598), is amended—

(A) by striking out "$2,054,713,000" and inserting in lieu thereof "$2,033,833,000";

(B) in paragraph (1), by striking out "$744,380,000" and inserting in lieu thereof "$729,900,000"; and

(C) in paragraph (8)(A), by striking out "$161,538,000" and inserting in lieu thereof "$155,138,000".

(c) FISCAL YEAR 1991 CONSTRUCTION PROJECTS.—(1) 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—

(A) under the heading "CALIFORNIA", by striking out the item relating to March Air Force Base;

(B) under the heading "FLORIDA"—

(i) by striking out the item relating to Avon Park Range; and

(ii) in the item relating to Homestead Air Force Base, by striking out "$7,900,000" and inserting in lieu thereof "$2,400,000";

(C) under the heading "IDAHO", by striking out the item relating to Mountain Home Air Force Base;

(D) under the heading "MAINE", by striking out the item relating to Bangor Air National Guard Base; and

(E) under the heading "NEW YORK", by striking out the item relating to Griffiss Air Force Base.

(2) Section 2304(a) of such Act (104 Stat. 1773), as amended by section 2308(b)(3) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2598) and section 2310(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1527), is amended—

(A) by striking out "$1,905,075,000" and inserting in lieu thereof "$1,891,005,000"; and

(B) in paragraph (1), by striking out "$724,855,000" and inserting in lieu thereof "$710,785,000".

(d) FISCAL YEAR 1990 CONSTRUCTION PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1630) is amended—

(A) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(B) under the heading "OHIO", in the item relating to Newark Air Force Base, by striking out "$2,980,000" and inserting in lieu thereof "$2,300,000".

(2) Section 2304(a) of such Act (103 Stat. 1636), as amended by section 2310(b)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1528) and section 2306(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1774) is amended—

(A) by striking out "the total amount" and all that follows through "as follows:" and inserting in lieu thereof "the total amount of $2,057,118,000, as follows:"; and

(B) in paragraph (1), by striking out "section 2301(a)" and all that follows through the period and inserting in lieu thereof "section 2301(a), $809,316,000".

SEC. 2306. RELOCATION OF AIR FORCE ACTIVITIES FROM SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE AIR FORCE BASE, CALIFORNIA.

(a) STUDENT DORMITORY.—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 "Sierra Army Depot, $3,650,000."; and

(2) by striking out "Beale Air Force Base, $6,300,000." and inserting in lieu thereof the following: "Beale Air Force Base, $9,950,000.".

(b) MUNITION MAINTENANCE FACILITY.—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 "Sierra Army Depot, $2,700,000."; and

(2) by striking out "Beale Air Force Base, $2,250,000." and inserting in lieu thereof the following: "Beale Air Force Base, $4,950,000.".

SEC. 2307. COMBAT ARMS TRAINING AND MAINTENANCE FACILITY RELOCATION FROM WHEELER AIR FORCE BASE, HAWAII, TO UNITED STATES ARMY 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. 1770) is amended in the matter under the heading "HAWAII"—

(1) by striking out "Wheeler Air Force Base, $3,500,000." and inserting in lieu thereof the following: "Wheeler Air Force Base, $2,100,000."; and

(2) by inserting after the item relating to Hickam Air Force Base the following new item:

"United States Army Schofield Barracks Open Range, $1,400,000.".

SEC. 2308. AUTHORITY TO TRANSFER FUNDS AS PART OF THE IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) TRANSFER AUTHORITY.—The Secretary of the Air Force may transfer to the Flood Control District of Maricopa County, Arizona (in this section referred to as the "District"), funds appropriated for fiscal years beginning after September 30, 1993, for a project, authorized in section 2301(a), to widen and make other improvements to Dysart Channel. Such improvements may include the construction of necessary detention basins and other features that are needed to prevent flooding of Luke Air Force Base, Arizona.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the District only for the purpose of conducting the project described in such subsection.

(c) CONDITIONS ON TRANSFER.—Funds may not be transferred pursuant to subsection (a) until after the date on which the Secretary and the District enter into an agreement that addresses cost sharing for the widening and other improvements to be made to Dysart Channel and such other matters associated with the project as the Secretary considers to be appropriate.

(d) LIMITATION ON AIR FORCE COST SHARE.—The Air Force share of the costs of the project described in subsection (a) may not exceed the lesser of—

(1) 50 percent of the total project cost; or

(2) $6,000,000.

(e) CONSIDERATION.—As consideration for the financial assistance provided pursuant to subsection (a), the District shall convey to the United States all right, title, and interest of the District in and to the real property, if any, acquired by the District in widening Dysart Channel and making the other improvements, such as detention basins as referred to in subsection (a).

SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL CONSTRUCTION FOR LACKLAND AIR FORCE BASE, TEXAS.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the Lackland Independent School District, Texas, not more than $8,000,000 of the funds appropriated by the Military Construction Appropriations Act, 1993 (Public Law 102-380; 106 Stat. 1366), pursuant to the authorization of appropriations in section 2304(a)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2596) for military construction relating to Lackland Air Force Base, Texas, as authorized in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the Lackland Independent School District to pay for the design and construction of a new secondary school, the renovation of an elementary school, and the design and construction of a new kindergarten and special education facility.

SEC. 2310. TRANSFER OF FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) TRANSFER REQUIRED.—The Secretary of the Air Force shall transfer to the County of St. Clair, Illinois (in this section referred to as the "County"), all funds made available for the construction of military family housing at Scott Air Force Base, Illinois, as authorized in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595).

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County for the construction, at a location acceptable to the Secretary, of a family housing complex to replace the Cardinal Creek Housing Complex at Scott Air Force Base.

SEC. 2311. 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 item 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) and, in the case of the project described in section 2403(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense 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	Cannon Air Force Base, New Mexico	$13,600,000
	Edwards Air Force Base, California	$1,700,000
	Ellsworth Air Force Base, South Dakota	$1,400,000
	Fairchild Air Force Base, Washington	$8,250,000
	Fort Detrick, Maryland	$4,300,000
	Fort Eustis, Virginia	$3,650,000
	Fort Sam Houston, Texas	$4,800,000
	Grand Forks Air Force Base, North Dakota	$860,000
	Marine Corps Air Station, Yuma, Arizona	$6,000,000
	Naval Education Training Center, Rhode Island	$4,000,000
	Offutt Air Force Base, Nebraska	$1,100,000
National Security Agency	Fort Meade, Maryland	$58,630,000
Office Secretary of Defense	CONUS Classified	$5,600,000
Section 6 Schools	Camp Lejeune, North Carolina	$1,793,000
	Fort Bragg, North Carolina	$8,838,000
	Fort Campbell, Kentucky	$13,182,000
	Fort Knox, Kentucky	$7,707,000
	Fort McClellan, Alabama	$2,798,000
	Fort Polk, Louisiana	$4,950,000
	Quantico Marine Corps Base, Virginia	$422,000
	Robins Air Force Base, Georgia	$3,160,000
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
	Little Creek Naval Amphibious Base, Virginia	$7,500,000
	Olmstead Field, Pennsylvania	$1,300,000

(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 for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Diego Garcia	$9,558,000
Office Secretary of Defense	Classified location	$10,755,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), 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 $3,268,394,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $266,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $20,313,000.

(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. 4035), $50,000,000.

(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. 1640), $20,000,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, 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), $15,000,000.

(6) 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), $37,000,000.

(7) 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 (division B of Public Law 102-484; 106 Stat. 2599), $35,000,000.

(8) 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 (division B of Public Law 102-484; 106 Stat. 2599), $5,000,000.

(9) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(12) For energy conservation projects authorized by section 2402, $50,000,000.

(13) 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.

(14) 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):

(A) For military installations approved for closure or realignment in 1991, $1,526,310,000.

(B) For military installations approved for closure or realignment in 1993, $1,144,000,000.

(15) 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 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $17,720,000 (the balance of the amount authorized under section 2401(a) for the construction of a supercomputer facility at Fort Meade, Maryland).

SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 CONSTRUCTION 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 Electronics Supply Station, 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

(C) 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 $140,000,000.

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, $283,483,000; and

(B) for the Army Reserve, $101,433,000.

(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, $236,341,000; and

(B) for the Air Force Reserve, $73,927,000.

SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1993 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended—

(1) in paragraph (2), by striking out "$17,200,000" and inserting in lieu thereof "$10,700,000"; and

(2) in paragraph (3)(B), by striking out "36,580,000" and inserting in lieu thereof "34,880,000".

(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 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1781) is amended—

(1) in paragraph (2), by striking out "$80,307,000" and inserting in lieu thereof "$78,667,000";

(2) in paragraph (3)(A), as amended by section 2602(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), by striking out "$176,290,000" and inserting in lieu thereof "$171,090,000"; and

(3) in paragraph (3)(B), as amended by section 2602(a)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535) and section 2602(c) of the Military Construction Authorization Act for Fiscal Year 1993

(division B of Public Law 102-484; 106 Stat. 2602), by striking out "(B)" and all that follows through the period and inserting in lieu thereof "(B) for the Air Force Reserve, $32,350,000".

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645) is amended—

(1) in paragraph (2), by striking out "$56,600,000" and inserting in lieu thereof "$54,250,000"; and

(2) in paragraph (3)(A), as amended by section 2602(b)(1) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), by striking out "$195,628,000" and inserting in lieu thereof "$195,088,000".

SEC. 2603. UNITED STATES ARMY RESERVE COMMAND HEADQUARTERS FACILITY.

(a) PROJECT AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(B), and other amounts appropriated pursuant to authorizations enacted after this Act for this project, the Secretary of the Army may construct at Fort McPherson, Georgia, a headquarters facility for the United States Army Reserve Command and may contract for architectural and engineering services and construction design services in connection with such construction project.

(b) LIMITATION ON TOTAL COST OF PROJECT.—The cost of the construction project authorized by subsection (a) may not exceed $36,400,000.

(c) MULTIYEAR CONTRACT AUTHORIZED.—In order to carry out the construction project authorized in subsection (a), the Secretary may enter into a multiyear contract in advance of appropriations therefor.

(d) FUNDING.—Of the amount authorized to be appropriated pursuant to section 2601(1)(B), $15,000,000 shall be available to carry out the project authorized by subsection (a).

SEC. 2604. 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 amount of all projects carried out under section 2601(1)(B) may not exceed the total amount authorized to be appropriated under such section and $21,400,000 (the balance of the amount authorized for the construction of a command headquarters facility at Fort McPherson, Georgia).

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization 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, 2201, 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.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Falcon Air Force Base	Satellite Control Certification Facility	$1,450,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

[Title XXVII—Expiration and Extension]

Navy: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Connecticut	New London Naval Submarine Base	Thames River Dredging	$5,300,000

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
	King Salmon Airport	Vehicle Refuel Maintenance Shop	$2,500,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
	United States Air Force Academy	Consolidated Education & Training Facility	$15,000,000
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
Texas	Dyess Air Force Base	Corrosion Control Facility	$4,100,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

Defense Agencies: Extension of 1991 Project Authorization

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 (103 Stat. 1631) and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2604), 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 table referred to in subsection (a) is as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation	Project	Amount
Colorado	Lowry Air Force Base	Computer operations facility	$15,500,000
		Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1993; and

(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. MILITARY FAMILY HOUSING LEASING PROGRAMS.

(a) LEASES IN UNITED STATES, PUERTO RICO, OR GUAM.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for under paragraphs (2) and (3) for the previous fiscal year by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.".

(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e) of such section is amended—

(1) in the first sentence of paragraph (1), by striking out "as adjusted for foreign currency fluctuation from October 1, 1987." and inserting in lieu thereof ", except that 300 units may be leased in foreign countries for not more than $25,000 per unit per year.";

(2) in the second sentence of paragraph (1), by striking out "That maximum lease amount" and inserting in lieu thereof "These maximum lease amounts"; and

(3) by redesignating paragraph (2) as paragraph (4); and

(4) by inserting after paragraph (1) the following new paragraphs:

"(2) In addition to the 300 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Navy may lease not more than 2,000 units of family housing in Italy subject to that maximum lease amount.

"(3) The Secretary concerned shall adjust the maximum lease amounts provided for under paragraphs (1) and (2) for the previous fiscal year—

"(A) for foreign currency fluctuations from October 1, 1987; and

"(B) at the beginning of each fiscal year, by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.".

SEC. 2802. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

(a) AVAILABILITY OF PROCEEDS FOR CERTAIN CONSTRUCTION PROJECTS.—Subsection (b) of section 2483 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) Subject to the availability of appropriations for this purpose, proceeds credited under paragraph (1) may be used to carry out military construction projects under the energy performance plan developed by the Secretary of Defense under section 2865(a) of this title, including minor military construction projects authorized under section 2805 of this title that are designed to increase energy conservation.".

(b) NOTIFICATION REGARDING PROJECTS.—Such section is further amended by adding at the end the following new subsection:

"(c) Before carrying out a military construction project described in subsection (b) using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of the project, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.".

SEC. 2803. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 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 a utility for the management of water demand or for water conservation.

"(2) The Secretary of Defense may authorize a military installation to accept a financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a utility, for the purpose of adopting technologies and practices that—

"(A) relate to the management of water demand or to water conservation; and

"(B) as determined by the Secretary, 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 an agreement with a utility to design and implement a cost-effective program that provides incentives for the management of water demand and for water conservation and that addresses the requirements and circumstances of the installation. Activities under the program may include the provision of water management services, the alteration of a facility, and the installation and maintenance by the utility of a water-saving device or technology.

"(4)(A) If an agreement under paragraph (3) provides for a utility to pay in advance the financing costs for the design or implementation of a program referred to in that paragraph and for such advance payment to be repayed by the United States, the cost of such advance payment may be recovered by the utility under terms that are not less favorable than the terms applicable to the most favored customer of the utility.

"(B) Subject to the availability of appropriations, a repayment of an advance payment 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 a 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 used as provided in section 2865(b)(2) 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 to the Secretary for water conservation.

"(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. Such project may be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2866. Water conservation at military installations.".

SEC. 2804. CLARIFICATION OF ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.

(a) ENERGY EFFICIENT MAINTENANCE.—Subsection (a) of section 2865 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ", including energy efficient maintenance," after "conservation measures"; and

(2) by adding at the end the following new paragraph:

"(4) In paragraph (3), the term 'energy efficient maintenance' includes—

"(A) the repair by replacement of equipment or systems, such as lighting, heating, or cooling equipment or systems or industrial processes, with technology that—

"(i) will achieve the most cost-effective energy savings over the life-cycle of the equipment or system being repaired; and

"(ii) will meet the same end needs as the equipment or system being repaired; and

"(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in reduced costs through energy savings".

(b) USE OF SAVINGS AND USE OF PROCEEDS FROM ELECTRICITY SALES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(B) by striking out "for any fiscal year beginning after fiscal year 1990"; and

(2) in paragraph (2), by striking out "(2) The amount" and all that follows through "the Secretary of Defense." and inserting in lieu thereof the following:

"(2) The Secretary shall provide that the amount that remains available for obligation under paragraph (1) and section 2866(b) of this title, and the funds made available under section 2483(b)(2) of this title, shall be used as follows:

"(A) One-half of the 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 prescribed by the Secretary of Defense) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or in section 2866(b) of this title.".

(c) COVERED UTILITIES.—Subsection (d)(1) of such section is amended by adding before the period the following: "or by any utility for water conservation activities".

SEC. 2805. 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

"(a) ACQUISITION AUTHORITY.—Using funds appropriated for a military construction project authorized by law for a military installation, the Secretary of the military department concerned may acquire an existing facility (including the real property on which the facility is located) at or near the military installation instead of carrying out the authorized military construction project if the Secretary determines that—

"(1) the acquisition of the facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(2) it is in the best interests of the United States to acquire the facility instead of carrying out the authorized military construction project.

"(b) MODIFICATION OR CONVERSION OF ACQUIRED FACILITY.—(1) As part of the acquisition of an existing facility under subsection (a), the Secretary of the military department concerned may carry out such modifications, repairs, or conversions of the facility as the Secretary considers to be necessary so that the facility satisfies the requirements for which the military construction project was authorized.

"(2) The costs of anticipated modifications, repairs, or conversions under paragraph (1) are required to remain within the authorized amount of the military construction project. The Secretary concerned shall consider such costs in determining whether the acquisition of an existing facility is—

"(A) more cost effective than carrying out the authorized military construction project; and

"(B) in the best interests of the United States.

"(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the acquisition of a facility under subsection (a) until the end of the 30-day period beginning on the date the Secretary concerned transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a written notification of the determination to acquire an existing facility instead of carrying out the authorized military construction project. The notification shall include the reasons for acquiring the facility.".

(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 OF SECTION.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to military construction projects authorized on or after the date of the enactment of this Act.

SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS.

Section 2834(b) of title 10, United States Code, is amended to read as follows:

"(b) The maximum lease amounts specified in section 2828(e)(1) of this title for the rental of family housing in foreign countries shall not apply to housing made available to the Department of Defense under this section. To the extent that the lease amount for units of housing made available under this subsection exceeds such maximum lease amounts, such units shall not be counted in applying the limitation contained in such section on the number of units of family housing for which the Secretary concerned may waive such maximum lease amounts.".

SEC. 2807. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF 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—Land Transactions Generally

SEC. 2811. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—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 real property conveyed under subsection (a) that is equal to at least the fair market value of the property conveyed. The County shall provide consideration by one of the following methods, to be selected by the Secretary:

(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 real property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONSTRUCTION.—If the County constructs (or pays the costs of constructing) 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 pays 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) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) any amount paid to the United States under this section that is not used for the purpose of constructing a replacement facility under subsection (d).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the 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 real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the County.

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

SEC. 2812. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property included on the real property inventory of Naval Air Station Oceana in Virginia Beach, Virginia, and consisting of approximately 3.5 acres. As part of the conveyance of such parcel, the Secretary shall grant the City an easement on such additional acreage as may be necessary to provide adequate ingress and egress to the parcel.

(b) CONSIDERATION.—As consideration for the conveyance and easement under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed and the fair market value of the easement to be granted. The Secretary shall determine the fair market value of the property and easement, and such determination shall be final.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City may use the property conveyed only for the following purposes:

(1) The maintenance, repair, storage, and berthing of erosion control and beach replenishment equipment and materiel, including a dredge.

(2) The berthing of police boats.

(3) The provision of operational and administrative personnel space related to the purposes specified in paragraphs (1) and (2).

(d) REVERSION.—All right, title, and interest of the City in and to the property conveyed under subsection (a) (including any improvements thereon) and the easement granted under such subsection shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines—

(1) at any time, that the property conveyed under subsection (a) is not being used for the purposes specified in subsection (c); or

(2) at the end of the 10-year period beginning on the date of the conveyance, that no significant improvements associated with the purposes specified in subsection (c) have been constructed on the property.

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

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

SEC. 2813. LAND CONVEYANCE, CRANEY ISLAND FUEL DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the City of Portsmouth, Virginia, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 135.7 acres, including improvements thereon, comprising a portion of the Craney Island Fuel Depot, Naval Supply Center, Norfolk, Virginia. However, the parcel of real property to be conveyed under this section shall not include sites 3 and 12, as defined in Item 6 of the General Lease No. LO-267 N62470-89-RP-00156 between the City and the United States, dated December 15, 1992.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "City" means the City of Portsmouth, Virginia.

(2) The term "Craney Island parcel" means the real property described in subsection (a) that is required to be conveyed under this section.

(3) The term "sites 3 and 12" means the parcels specifically excluded by subsection (a) from the conveyance.

(c) CONDITIONS OF CONVEYANCE.—(1) The City shall accept conveyance of the Craney Island parcel under subsection (a) as a potentially responsible party with respect to such parcel pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to—

(A) the Craney Island parcel; or

(B) sites 3 and 12.

(d) CONSIDERATION.—As consideration for the conveyance of the Craney Island parcel under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the Craney Island parcel. Using normal and customary procedures for determining the fair market value of real property, the Secretary shall determine the fair market value of the Craney Island parcel in consultation with the City Manager of the City. Such determination shall be final.

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit amounts received as consideration for the conveyance under subsection (a) 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)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the Craney Island parcel and sites 3 and 12 shall be determined by a survey satisfactory to the Secretary and the City Manager of the City. The cost of each survey shall be borne by the City.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of the Craney Island parcel as the Secretary considers appropriate to protect the interests of the United States and are agreed to by the City.

SEC. 2814. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Peck Iron and Metal Company, Inc. (in this section referred to as "Peck"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.45 acres, including improvements thereon, located in Portsmouth, Virginia, that, on the date of the enactment of this Act, is leased to Peck pursuant to Department of the Navy lease N62470-91-RP-00261, effective August 1, 1991.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Peck shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) the amount received from Peck under subsection (b).

(d) CONDITIONS OF CONVEYANCE.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that Peck accept conveyance of the property as a potentially responsible party with respect to the property pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to the property conveyed under subsection (a).

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

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

SEC. 2815. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middletown, Iowa (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 127 acres at the Iowa Army Ammunition Plant, Iowa.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine the fair market value of the property, and such determination shall be final.

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

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

SEC. 2816. LAND CONVEYANCE, RADAR BOMB SCORING SITE, CONRAD, MONTANA.

(a) CONVEYANCE AUTHORIZED.—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 the location of 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, 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 considers appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—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.—As consideration for the conveyance of the real property under subsection (a), the Railway shall pay to the United States an amount equal to the fair market value of the conveyed property, as determined by the Secretary.

(c) USE AND DEPOSIT 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 under 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 appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of the 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) CONVEYANCE AUTHORIZED.—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 convey all right, title, and interest of the United States in and to the property to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana and held to be exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(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 in connection with the conveyance under subsection (b) 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 the enactment of this Act.

SEC. 2819. LAND ACQUISITION, 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) COST OF ACQUISITION.—In acquiring the real property authorized to be acquired under subsection (a), the Secretary shall pay no more than the fair market value of the property, as determined by an appraisal satisfactory to the Secretary.

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

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) SOURCE OF FUNDS FOR ACQUISITION.—Funds for the acquisition of the real property authorized to be acquired under subsection (a) shall be available to the Secretary as provided in section 264.

SEC. 2820. RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release the reversionary interest of the United States in and to approximately 6.89 acres of real property, including improvements thereon, containing the Old Spanish Trail Armory in Harris County, Texas. The United States acquired the reversionary interest by virtue of a quitclaim deed dated June 18, 1936.

(b) CONDITION.—The Secretary may effectuate the release authorized in subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in

subsection (a), a parcel of real property that—

(1) is at least equal in value to the real property referred to in subsection (a), and

(2) beginning on the date on which the State first obtains the new parcel of real property, is subject to the same restrictions and covenants with respect to the United States as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary.

SEC. 2821. GRANT OF EASEMENT, WEST LOCH BRANCH, NAVAL MAGAZINE LUALUALEI, HAWAII.

(a) IN GENERAL.—The Secretary of the Navy may grant to the City and County of Honolulu, Hawaii (in this section referred to as "Honolulu"), an easement on a parcel of real property consisting of not more than approximately 70 acres and located at West Loch Branch, Naval Magazine Lualualei, Hawaii. The purpose of the easement is to permit Honolulu to carry out drainage activities on such real property, and for other public purposes (as determined by the Secretary).

(b) CONSIDERATION.—(1) As consideration for the grant of an easement to Honolulu under subsection (a), Honolulu shall pay to the United States an amount equal to the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from Honolulu, in lieu of payment under paragraph (1), such improvements (including road, fencing, property security, and other improvements) to West Loch Branch, Naval Magazine Lualualei, Hawaii, as the Secretary determines to be equal in fair market value to the easement granted under subsection (a).

(c) USE OF PROCEEDS.—The Secretary shall utilize any funds paid to the United States under subsection (b)(1) for the construction of improvements referred to in subsection (b)(2).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by Honolulu.

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

SEC. 2822. REVIEW OF PROPOSED LAND EXCHANGE, FORT SHERIDAN, ILLINOIS, AND ARLINGTON COUNTY, VIRGINIA.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review a proposed exchange 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 property, consisting of approximately 7.1 acres, located in Arlington County, Virginia, and commonly known as the "Twin Bridges" parcel. The review shall include an evaluation of the use of the "Twin Bridges" parcel for the location of the National Museum of the United States Army, which is proposed to be constructed and operated on the parcel using only donated funds.

(b) REPORT.—Not later than September 24, 1993, the Secretary shall submit to Congress a report describing the results of the review required under subsection (a).

Subtitle C—Changes to Existing Land Transaction Authority

SEC. 2831. MODIFICATION OF LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) CONVEYANCE WITHOUT CONSIDERATION.—Subsection (a) of section 2841 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1557) is amended by inserting after "convey" the following: ", without consideration,".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking out paragraph (4);

(2) by striking out subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2832. 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)—

(A) by striking out "(A)";

(B) by striking out "subparagraph (B)" and inserting in lieu thereof "paragraph (2)"; and

(C) by redesignating subparagraph (B) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) LEASEBACK OF FACILITIES.—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(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. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) EXPANSION OF LEASE AUTHORITY.—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended by striking out "not more than 195 acres of real property" and all that follows through the period and inserting in lieu thereof "those portions of the Naval Supply Center, Oakland, California, that the Secretary determines to be available for lease.".

(b) CONSIDERATION.—Paragraph (2) of such subsection is amended—

(1) by striking out "and" at the end of subparagraph (A);

(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 new subparagraph:

"(C) be for nominal consideration.".

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (2)(B), by striking out "shall";

(2) by striking out paragraphs (3), (4), and (5); and

(3) by redesignating paragraph (6) as paragraph (3).

SEC. 2834. EXPANSION OF LAND TRANSACTION AUTHORITY INVOLVING HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1790) is amended by adding at the end the following new paragraph:

"(3) In lieu of entering into a lease under paragraph (1), the Secretary may convey the property described in such paragraph to the City (or a local reuse organization approved by the City) for such consideration and under such terms as the Secretary considers appropriate.".

Subtitle D—Land Transactions Involving Utilities

SEC. 2841. 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 such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. 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 of possession, including the 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 such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. 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 (b) 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 of the Town in and to the real property (including the waste water treatment system) conveyed under 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, relating to the real property (and any facilities thereon) conveyed under subsection (a). 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 for this purpose,

and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity, as determined by the Secretary.

(3) 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 real property conveyed under this section before carrying out the conveyance.

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

SEC. 2844. 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 such 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) REQUIREMENTS RELATING TO CONVEYANCE.—(1) 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.

(2) 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.

(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) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such 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. 2845. CONVEYANCE OF ELECTRIC POWER DISTRIBUTION SYSTEM, NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Navy may convey to the Bureau of Electricity of the City of Alameda, California (in this section referred to as the "Bureau"), all right, title, and interest of the United States in and to the electric power distribution system described in paragraph (2). The actual conveyance of the system shall be subject to negotiation by and approval of the Secretary.

(2) The electric power distribution system referred to in paragraph (1) is the electric power distribution system located at the Naval Air Station, Alameda, California, including such utility easements and right of ways as the Secretary and the Bureau consider to be necessary or appropriate to provide for ingress to and egress from the electric power distribution system.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electric power distribution system authorized by subsection (a) unless the Bureau agrees to accept the system in its existing condition at the time of the conveyance.

(c) CONDITIONS.—The conveyance of the electric power distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That the Bureau provide electric power to the Naval Air Station at a rate that is no less favorable than the rate the Bureau would charge a public or private consumer of electricity similar to the Naval Air Station for the provision and distribution of electricity.

(2) That the Bureau comply with all applicable environmental laws and regulations, including any permit or license requirements, in providing and distributing electricity at the Naval Air Station through the electric power distribution system.

(3) That the Bureau not commence any expansion of the electric power distribution system without the approval of the expansion by the Secretary.

(4) That the Bureau assume the responsibility for ownership, operation, maintenance, repair, and safety inspections for the electric power distribution system.

(d) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Navy of the actions taken by the Bureau in accordance with subsection (c) is at least equal to the fair market value of the electric power distribution system conveyed pursuant to subsection (a).

(e) REVERSION.—If the Secretary determines at any time that the Bureau is not complying with the conditions specified in subsection (c), all right, title, and interest of the Bureau in and to the electric power distribution system conveyed pursuant to subsection (a), including any improvements or modifications to the system, shall revert to the United States and the United States shall have the right of immediate access to the system, including the right to operate the system.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the electric power distribution system to be conveyed pursuant to subsection (a), including any easements granted as part of the conveyance, 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 Bureau.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement as part of the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. 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, as well as 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 such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. LEASE AND JOINT USE OF CERTAIN REAL PROPERTY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to Tri-Cities Municipal Water District, a special governmental district of the State of California (in the section referred to as the "District"), such interests in real property located on, under, and within the northern portion of the Marine Corps Base, Camp Pendleton, California, as the Secretary determines to be necessary for the District to develop, operate, and maintain water extraction and distribution facilities for the mutual benefit of the District and Camp Pendleton. The lease may be for a period of up to 50 years, or such additional period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the District shall—

(1) construct, operate, and maintain such improvements as are necessary to fully develop the potential of the lower San Mateo Water Basin for sustained yield and storage of imported water for the joint benefit of the District and Camp Pendleton;

(2) assume operating and maintenance responsibilities for the existing water extraction, storage, distribution, and related infrastructure within the northern portion of Camp Pendleton; and

(3) pay to the United States, in the form of cash or additional services, an amount equal to the amount, if any, by which the fair market value of the real property interests leased under subsection (a) exceeds the fair market value of the services provided under paragraphs (1) and (2).

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall establish a system of accounts to establish the relative costs and benefits accruing to the District and the United States under the lease under subsection (a) and to ensure that the United States receives at least fair market value for such lease, as determined by an independent appraisal acceptable to the Secretary.

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

Subtitle E—Other Matters

SEC. 2851. CONVEYANCE OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

(a) EXERCISE OF AUTHORITY BY ADMINISTRATOR OF GSA.—Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out "Secretary of the Air Force" and inserting in lieu thereof "Administrator of General Services";

(2) in subsection (c), by striking out "Secretary" and inserting in lieu thereof "Administrator";

(3) in subsection (e)—

(A) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Secretary of the Air Force"; and

(B) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Administrator"; and

(4) in subsection (f), by striking out "Secretary" and inserting in lieu thereof "Administrator".

(b) ELIGIBLE LANDS.—Subsection (a)(2) of such section is amended by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph:

"(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.".

(c) DISPOSITION.—Subsection (b) of such section is amended to read as follows:

"(b)(1)(A) Whenever the interest of the United States in a tract of real property or easement referred to in subsection (a) is available for disposition under this section, the Administrator shall transmit a notice of the availability of the real property or easement to each person described in subsection (a)(2)(D)(i) who owns lands adjacent to that real property or easement.

"(B) The Administrator shall convey, for fair market value, the interest of the United States in a tract of land referred to in subsection (a), or in any easement in connection with such a tract of land, to any person or persons described in subsection (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.

"(2)(A) In the case of a tract of real property referred to in subsection (a) that is surrounded by adjacent lands that are owned separately by two or more owners, the Administrator shall dispose of that tract of real property in accordance with this paragraph. In disposing of the real property, the Administrator shall satisfy the requirements specified in paragraph (1) regarding notice to owners, sale at fair market vale, and the determination of the qualifications of the purchaser.

"(B) The Administrator shall dispose of such a tract of real property through a sealed bid competitive sale. The Administrator shall afford an opportunity to compete to acquire the interest of the United States in the real property to all of the persons described in subsection (a)(2)(D)(ii) who own lands adjacent to that real property. The Administrator shall restrict to these persons the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to subparagraph (D), the Administrator shall convey the interest of the United States in the tract of real property to the highest bidder.

"(D) If all of the bids received by the Administrator in the sealed bid competitive sale of the tract of real property are less than the fair market value of the real property, the Administrator shall dispose of the real property 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.).".

SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN OF 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 percent 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. FLOOD CONTROL PROJECT FOR COYOTE AND BERRYESSA CREEKS, CALIFORNIA.

(a) COYOTE AND BERRYESSA CREEKS, SANTA CLARA COUNTY, CALIFORNIA.—The Secretary of the Army is directed to construct a flood control project for Coyote and Berryessa Creeks in Santa Clara County, California, using amounts appropriated for civil works activities of the Corps of Engineers for fiscal year 1994.

(b) MAXIMUM COST REQUIREMENT.—Section 902 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4183) shall not apply with respect to the project described in subsection (a).

SEC. 2856. RESTRICTIONS ON LAND TRANSACTIONS RELATING TO THE PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

The Secretary of Defense (or the Secretary of the Army as the designee of the Secretary of Defense) may not transfer any parcel of real property (or any improvement thereon) located at the Presidio of San Francisco, California, from the jurisdiction and control of the Department of the Army to the jurisdiction and control of the Department of the Interior unless and until—

(1) the Secretary of the Army determines that the parcel proposed for transfer is excess to the needs of the Army; and

(2) the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the terms and conditions—

(A) under which transfers of real property at the Presidio will take place; and

(B) under which the Army will continue to use facilities at the Presidio after such transfers.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Subtitle A—Base Closure Community Assistance

SEC. 2901. 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) It is in the interest of the United States that the Federal Government assist communities that experience adverse economic circumstances as a result of the closure of military installations by working with such communities to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner or of otherwise revitalizing such communities and the economies of such communities.

(5) The Federal Government may best identify and implement such means by requiring that 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 and redevelopment of such an installation, designate for each installation to be closed an individual in such department or agency who shall provide information and assistance to the transition coordinator for the installation designated under section 2915 on the assistance, programs, or other activities of such department or agency with respect to the closure or reutilization and redevelopment of the installation.

(6) The Federal Government may also 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 and redevelopment of such installations by such communities.

(7) The Federal Government may best contribute to such reutilization and redevelopment by making available real and personal property at military installations to be closed to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

SEC. 2902. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) CLOSURES UNDER 1988 ACT.—(1) 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—

(A) in paragraph (2)(E), by striking out "paragraphs (3) and (4)" and inserting in lieu thereof "paragraphs (3) through (6)";

(B) by redesignating paragraph (4) as paragraph (7); and

(C) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

"(3)(A) Not later than 6 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary, in consultation with the redevelopment authority with respect to each military installation to be closed under this title after such date of enactment, shall—

"(i) inventory the personal property located at the installation; and

"(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

"(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, 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 officer of the State in which the installation is located.

"(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

"(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

"(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

"(III) twenty-four months after the date referred to in subparagraph (A); or

"(IV) ninety days before the date of the closure of the installation.

"(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this title as follows:

"(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

"(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this title to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(E) This paragraph shall not apply to any related personal property located at an installation to be closed under this title if the property—

"(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

"(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

"(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

"(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

"(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

"(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.".

(2) Section 204(b)(7)(A)(ii) of such Act, as redesignated by paragraph (1)(B), is amended by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) through (6)".

(b) 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—

(1) in paragraph (2)(A), by inserting "and paragraphs (3), (4), (5), and (6)" after "Subject to subparagraph (C)"; and

(2) by adding at the end the following:

"(3)(A) Not later than 6 months after the date of approval of the closure of a military installation under this part, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

"(i) inventory the personal property located at the installation; and

"(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

"(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, 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 officer of the State in which the installation is located.

"(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

"(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

"(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

"(III) twenty-four months after the date of approval of the closure of the installation; or

"(IV) ninety days before the date of the closure of the installation.

"(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this part as follows:

"(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

"(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this part to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(E) This paragraph shall not apply to any personal property located at an installation to be closed under this part if the property—

"(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

"(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

"(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

"(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

"(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

"(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.".

(c) APPLICABILITY.—For the purposes of section 2905(b)(3) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), the date of approval of closure of any installation approved for closure before the date of the enactment of this Act shall be deemed to be the date of the enactment of this Act.

SEC. 2903. AUTHORITY TO TRANSFER PROPERTY AT CLOSED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

(a) AUTHORITY 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), as amended by section 2902(a), is further amended by adding after paragraph (3), as so added, the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this title to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(II) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (1) or (2)).

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this title will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer personal property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States.".

(b) AUTHORITY 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 2902(b), is further amended by adding at the end the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this part to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the

estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(II) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (1) or (2)).

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this part will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States.".

(c) CONSIDERATION OF ECONOMIC NEEDS.—In order to maximize the local and regional benefit from the reutilization and redevelopment of military installations that are closed, or approved for closure, pursuant to the operation of a base closure law, the Secretary of Defense shall consider locally and regionally delineated economic development needs and priorities into the process by which the Secretary disposes of real property and personal property as part of the closure of a military installation under a base closure law. In determining such needs and priorities, the Secretary shall take into account the redevelopment plan developed for the military installation involved. The Secretary shall ensure that the needs of the homeless in the communities affected by the closure of such installations are taken into consideration in the redevelopment plan with respect to such installations.

(d) COOPERATION.—The Secretary of Defense shall cooperate with the State in which a military installation referred to in subsection (c) is located, with the redevelopment authority with respect to the installation, and with local governments and other interested persons in communities located near the installation in implementing the entire process of disposal of the real property and personal property at the installation.

SEC. 2904. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) DETERMINATIONS 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), as amended by section 2903(a), is further amended by adding after paragraph (4), as so added, the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary 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 a military installation to be closed under this title after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, or will accept transfer of any portion of such installation, are made not later than 6 months after such date of enactment.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) 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) DETERMINATIONS 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 2903(b), is further amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary 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 a military 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.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) 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.".

(c) APPLICABILITY.—The Secretary of Defense shall make the determinations required under section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), in the case of installations approved for closure under such Act before the date of the enactment of this Act, not later than 6 months after the date of the enactment of this Act.

SEC. 2905. AVAILABILITY OF PROPERTY FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY 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), as amended by section 2904(a), is further amended by adding after paragraph (5), as so added, the following:

"(6)(A) Except as provided in this paragraph, 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 military installations closed under this title.

"(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this title, the Secretary shall—

"(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

"(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

"(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

"(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

"(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

"(ii) notify the Secretary of Defense of the buildings and property that are so identified;

"(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

"(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

"(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

"(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

"(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

"(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human

Services in accordance with section 501(e)(2) of such Act; and

"(iii) the Secretary of Health and Human Services—

"(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

"(II) approves the application under section 501(e) of such Act.

"(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

"(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

"(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

"(III) In the case of building and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

"(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

"(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

"(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

"(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

"(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

"(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

"(ii) If a redevelopment authority does not express an interest in the use of building or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.".

(b) AVAILABILITY OF PROPERTY 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 2904(b), is further amended by adding at the end the following:

"(6)(A) Except as provided in this paragraph, 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 military installations closed under this part.

"(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this part, the Secretary shall—

"(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

"(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

"(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

"(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

"(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

"(ii) notify the Secretary of Defense of the buildings and property that are so identified;

"(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

"(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

"(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

"(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

"(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

"(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

"(iii) the Secretary of Health and Human Services—

"(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

"(II) approves the application under section 501(e) of such Act.

"(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

"(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

"(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

"(III) In the case of building and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

"(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

"(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

"(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

"(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

"(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

"(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

"(ii) If a redevelopment authority does not express an interest in the use of building or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.".

SEC. 2906. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—Subsection (f) of section 2667 of title 10, United States Code, is amended to read as follows:

"(f)(1) Notwithstanding subsection (a)(3), pending the final disposition of real property and personal property located at a military installation to be closed or realigned under a base closure law, the Secretary of the military department concerned may lease the property to any individual or entity under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

"(2) Notwithstanding subsection (b)(4), the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease interest if the Secretary concerned determines that—

"(A) a public interest will be served as a result of the lease; and

"(B) the fair market value of the lease is (i) unobtainable, or (ii) not compatible with such public benefit.

"(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 condition of the property proposed for leasing is such that the lease of the property is advisable. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'base closure law' means each of the following:

"(1) 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) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title.".

SEC. 2907. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(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), as amended by section 2902(a)(1)(B), is further amended by adding at the end the following:

"(8)(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 an 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 paragraph 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.".

(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 2905(b) of this Act, is further amended by adding at the end the following:

"(7)(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 an 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 paragraph 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.".

SEC. 2908. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS PAYING THE COST OF ENVIRONMENTAL RESTORATION ACTIVITIES ON THE PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 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 new subsection:

"(d) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this title that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905 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 subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this part that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe any regulations necessary to carry out subsection (d) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (e) of section 2905 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 subsection (b).

SEC. 2909. SENSE OF CONGRESS ON AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense take all actions that the Secretary determines practicable to make available the military equipment referred to in subsection (b) to communities suffering significant adverse economic circumstances as a result of the closure of military installations.

(b) COVERED EQUIPMENT.—The equipment referred to in subsection (a) is surplus military equipment that—

(1) is scheduled for retirement or disposal as a result of reductions in the size of the Armed Forces or the closure or realignment of a military installation under a base closure law;

(2) is important (as determined by the Secretary) to the economic development efforts of the communities referred to in subsection (a); and

(3) has no other military uses (as so determined).

SEC. 2910. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The identification by the Secretary of Defense required under section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)), and the concurrence required under section 120(h)(4)(B) of such Act, shall be made 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 concerned of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date specified in section 120(h)(4)(C)(iii) of such Act.

SEC. 2911. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

Not later than 12 months after the date of the submittal to the Secretary of Defense of a redevelopment plan for an installation approved for closure under a base closure law, the Secretary of Defense shall, to the extent practicable, complete any environmental impact analyses required with respect to the installation, and with respect to the redevelopment plan, if any, for 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.).

SEC. 2912. PREFERENCE FOR LOCAL AND SMALL BUSINESSES.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the greatest extent practicable, to qualified businesses located in the vicinity of the installation and to small business concerns and small disadvantaged business concerns. Contracts for which this preference shall be given shall include contracts to carry out activities for the environmental restoration and mitigation at military installations to be closed or realigned.

(b) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern meeting the requirements of section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "small disadvantaged business concern" means the business concerns referred to in section 637(d)(1) of such Act (15 U.S.C. 637(d)(1)).

(3) The term "base closure law" includes section 2687 of title 10, United States Code.

SEC. 2913. CONSIDERATION OF APPLICATIONS OF AFFECTED STATES AND COMMUNITIES FOR ASSISTANCE.

Section 2391(b) of title 10, United States Code, is amended by adding at the end the following:

"(6) To the extent practicable, the Secretary of Defense shall inform a State or local government applying for assistance under this subsection of the approval or rejection by the Secretary of the application for such assistance as follows:

"(A) Before the end of the 7-day period beginning on the date on which the Secretary receives the application, in the case of an application for a planning grant.

"(B) Before the end of the 30-day period beginning on such date, in the case of an application for assistance to carry out a community adjustments and economic diversifications program.

"(7)(A) In attempting to complete consideration of applications within the time period specified in paragraph (6), the Secretary of Defense shall give priority to those applications requesting assistance for a community described in subsection (f)(1).

"(B) If an application under paragraph (6) is rejected by the Secretary, the Secretary shall promptly inform the State or local government of the reasons for the rejection of the application.".

SEC. 2914. 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. 2915. 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 an installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of 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 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 the closure of the installation that take into account the goals set forth in the redevelopment plan for the installation;

(5) 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 redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to the transferability of property at the installation under section 204(b)(5) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as added by section 2904(a) of this Act, and under section 2905(b)(5) 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 2904(b) of this Act, as the case may be;

(7) assist the local redevelopment authority with respect to the installation in identifying real property or personal property at the installation that may have significant potential for reuse or redevelopment in accordance with the 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 property located at the installation that may be leased in a manner consistent with the redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real property or personal property the installation that may be utilized to meet the needs of the homeless by consulting with the Secretary of Housing and Urban Development and 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. 2916. SENSE OF CONGRESS ON SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

It is the sense of Congress that the Secretary of Defense conduct seminars for each community in which is located military a installation to be closed under a base closure law. Any such seminar shall—

(1) be conducted within 6 months after the date of approval of closure of the installation concerned;

(2) address the various Federal programs for the reuse and redevelopment of installation; and

(3) provide information about employment assistance (including employment assistance under Federal programs) available to members of such communities.

SEC. 2917. FEASIBILITY STUDY ON ASSISTING LOCAL COMMUNITIES AFFECTED BY THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility of assisting local communities recovering from the adverse economic impact of the closure or major realignment of a military installation under a base closure law by reserving for grants to the communities under section 2391(b) of title 10, United States Code, an amount equal to not less than 10 percent of the total projected savings to be realized by the Department of Defense in the first 10 years after the closure or major realignment of the installation as a result of the closure or realignment.

(b) REPORT.—Not later than March 1, 1994, the Secretary shall submit to Congress a report containing the results of the study required by this subsection. The report shall include—

(1) an estimate of the amount of the projected savings described in subsection (a) to be realized by the Department of Defense as a result of each base closure or major realignment approved before the date of the enactment of this Act; and

(2) a recommendation regarding the funding sources within the budget for the Department of Defense from which amounts for the grants described in subsection (a) could be derived.

SEC. 2918. DEFINITIONS.

(a) SUBTITLE A OF TITLE XXIX.—In this subtitle:

(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 "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.

(3) The term "redevelopment authority", in the case of an installation to be closed under a base closure law, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

(4) The term "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 redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.

(b) BASE CLOSURE ACT 1988.—Section 209 of 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:

"(10) The term 'redevelopment authority', in the case of an installation to be closed under this title, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

"(11) The term 'redevelopment plan' in the case of an installation to be closed under this title, means a plan that—

"(A) is agreed to by the redevelopment authority with respect to the installation; and

"(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse or redevelopment as a result of the closure of the installation.".

(c) 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', 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.

"(9) The term 'redevelopment authority', in the case of an installation to be closed under this part, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

"(10) The term 'redevelopment plan' in the case of an installation to be closed under this part, means a plan that—

"(A) is agreed to by the local redevelopment authority with respect to the installation; and

"(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.".

Subtitle B—Other Matters

SEC. 2921. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 207(a) 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 new paragraph:

"(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title shall be deposited directly into the Department of Defense Base Closure Account 1990 established by section 2906(a) 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).".

(b) BASE CLOSURES UNDER 1990 ACT.—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) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).."; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).".

(c) TECHNICAL CORRECTION.—Paragraphs (2) and (3) of section 2906(c) 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) are each amended by striking out "after the termination of the Commission" and inserting in lieu thereof "after the termination of the authority of the Secretary to carry out a closure or realignment under this part".

SEC. 2922. 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 Defense 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), 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) DEFINITIONS.—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. 2923. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES UNDER 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 obligations and expenditures from the Account during the fiscal year, 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 obligations and expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which expenditures 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 so proposed; and

"(II) any expenditures for military construction projects that were not so proposed.".

SEC. 2924. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.

(a) ANNUAL REPORTS.—Section 1304(a) 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) both—

"(A) the status of negotiations, if any, between the United States and the host government as to (i) 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 (ii) any claims of the host government for damages or restoration of the installation: and

"(B) 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 to facilities at an installation located in the host country until 30 days after the date on which the Secretary submits the proposed settlement to the Director of the Office of Management and Budget. 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, the depreciation of the improvements, the condition of the improvements, and any applicable requirements for environmental remediation or restoration at the installation.".

SEC. 2925. SENSE OF CONGRESS ON DEVELOPMENT OF BASE CLOSURE CRITERIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense consider, in developing 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) amended criteria, whether such 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 amended criteria developed by the Secretary under section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 after the date of the enactment of this Act. Such report shall include a discussion of the amended 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 amended criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2926. INFORMATION RELATING TO RECOMMENDATIONS FOR THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) SUBMITTAL OF REPORT TO COMMISSION.—Subsection (c)(1) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "March 15, 1995," and inserting in lieu thereof "March 1, 1995,".

(b) SUMMARY OF SELECTION PROCESS AND JUSTIFICATION OF RECOMMENDATIONS.—Subsection (c)(2) of such section is amended by adding at the end the following: "The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1).".

(c) SUBMITTAL OF INFORMATION TO CONGRESS.—Subsection (c)(6) of such section is amended to read as follows:

"(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House or Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 24 hours after the submission of the information to the Commission.".

(d) PUBLICATION OF INFORMATION ON CHANGES RECOMMENDED BY COMMISSION.—Subsection (d)(1)(2)(C)(iii) of such section is amended by striking out "30 days" and inserting in lieu thereof "45 days".

SEC. 2927. PUBLIC PURPOSE EXTENSIONS.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

(1) in subsection (o) in the first sentence by inserting "or (q)" after "subsection (p)"; and

(2) by adding at the end the following:

"(q)(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense, in the case of property located at a military installation closed or realigned pursuant to a base closure law, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

"(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

"(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

"(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;

"(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

"(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under subsection (e)(6).

"(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

"(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

"(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

"(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

"(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

"(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

"(6) In this section, the term 'base closure law' means the following:

"(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(C) Section 2687 of title 10, United States Code.".

SEC. 2928. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.

(a) INCLUSION OF OTHER DEPOSITORY INSTITUTIONS WITH CREDIT UNIONS.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2687 note) is amended—

(1) by striking "credit union" each place it appears and inserting in lieu thereof "depository institution";

(2) in subsection (c), by striking "business"; and

(3) by adding at the end the following new subsection:

"(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term 'depository institution' has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED.".

(2) The table of contents in section 2(b) of such Act is amended by striking out the item relating to section 2825 and inserting in lieu thereof the following:

"2825. Disposition of facilities of depository institutions on military installations to be closed.".

(c) AMENDMENT FOR STYLISTIC CONSISTENCY.—Subsection (c) of such section 2825 is amended by striking out "plan for the reuse of the installation developed in coordination with the community in which the facility is located" and inserting in lieu thereof "redevelopment plan with respect to the installation".

SEC. 2929. ELECTRIC POWER ALLOCATION AND ECONOMIC DEVELOPMENT AT CERTAIN MILITARY INSTALLATIONS TO BE CLOSED IN THE STATE OF CALIFORNIA.

For a 10-year period beginning on the date of the enactment of this Act, the electric power allocations provided as of that date by the Western Area Power Administration from the Central Valley Project to military installations in the State of California approved for closure pursuant to 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) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or selected for closure pursuant to that Act. To the extent power reserved by this section is not disposed of pursuant to this section, it shall be made available on a temporary basis during such period to military installations in the State of California through short-term contracts. Within one year of the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to Congress a report with recommendations regarding the disposition of electric power allocations provided by the Federal Power Marketing Administrations to other military installations closed or approved for closure. The report shall consider the option of using such power to promote economic development at closed military installations.

SEC. 2930. TESTIMONY BEFORE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

(a) OATHS REQUIRED.—Section 2903(d)(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 by adding at the end the following new sentence: "All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after the date of the enactment of this Act.

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 of $3,642,297,000, to be allocated as follows:

(1) For research and development, $1,129,325,000.

(2) For testing, $217,326,000.

(3) For stockpile support, $1,792,280,000.

(4) For program direction, $177,466,000.

(5) For complex reconfiguration, $168,500,000.

(6) For stockpile stewardship, $157,400,000.

(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 plant 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, $4,000,000.

Project 94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

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, $4,000,000.

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 enhancements, Pantex Plant, Amarillo, Texas, $20,000,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $3,000,000.

(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 $118,034,000, to be allocated as follows:

(1) For research and development, $82,879,000.

(2) For testing, $19,400,000.

(3) For stockpile support, $12,136,000.

(4) For program direction, $3,619,000.

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

(1) reduced by—

(A) $443,641,000, for use of prior year balances; and

(B) $50,000,000, for salary reductions; and

(2) increased by $100,000,000, for contractor employment transition.

SEC. 3102. 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 $4,918,878,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,362,106,000.

(4) For technology development, $371,150,000.

(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) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD-171, general plant projects, various locations, $48,180,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Colorado, $700,000.

Project 94-D-400, high explosive wastewater treatment system, 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, Nevada, $2,114,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94-D-405, central neutralization facility pipeline extension project, K-25, Oak Ridge, Tennessee, $1,714,000.

Project 94-D-406, low-level waste disposal facilities, K-25, Oak Ridge, Tennessee, $6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94-D-408, office facilities—200 East, Richland, Washington, $1,200,000.

Project 94-D-411, solid waste operation complex, Richland, Washington, $7,100,000.

Project 94-D-412, 300 area process sewer piping 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, $1,110,000.

Project 94-D-416, solvent storage tanks installation, Savannah River, South Carolina, $1,500,000.

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-25 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats, 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-tank waste storage facility, Richland, Washington, $45,660,000.

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, Aiken, South Carolina, $3,000,000.

Project 93-D-188, new sanitary landfill, Savannah River, Aiken, South Carolina, $1,020,000.

Project 92-D-125, master safeguards and security agreement/materials 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, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92-D-182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92-D-183, INEL 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 line, 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, $12,974,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $40,000,000.

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, $2,169,000.

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 and management, $24,726,000.

(d) GENERAL REDUCTION IN OPERATING EXPENSES.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount authorized to be appropriated in that subsection reduced by $280,000,000.

(e) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated 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 (d) shall be taken into account.

SEC. 3103. NUCLEAR 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 support and other defense programs necessary for national security programs in the amount of $2,182,315,000, to be allocated as follows:

(1) For nuclear materials support, $873,123,000.

(2) For verification and control technology, $341,941,000.

(3) For nuclear safeguards and security, $82,700,000.

(4) For security investigations, $49,000,000.

(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, including enrichment materials, $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 support and other defense programs necessary for national security programs as follows:

(1) For materials support:

Project GPD-146, general plant projects, various locations, $23,000,000.

Project 93-D-147, domestic water system upgrade, Phases I and II, 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.

(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 support and other defense programs necessary for national security programs as follows:

(1) For materials support, $65,000,000.

(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, $46,900,000.

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

(1) $100,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(2) $409,132,000, for use of prior year balances for materials support and other defense programs; and

(3) $18,937,000, for salary reductions.

(e) ECONOMIC ADJUSTMENT ASSISTANCE.—Of the amount provided under subsection (a)(7) for worker training and adjustment, $6,000,000 shall be available for providing economic assistance and development funding for local counties or localities surrounding the property of the Department of Energy defense nuclear facility at the Savannah River Site, South Carolina. To the extent practicable, the amount of assistance to be provided should be distributed as follows:

(1) $1,000,000 to plan community adjustments and economic diversification.

(2) $5,000,000 to carry out a community adjustments and economic diversification program.

(f) USE OF TECHNOLOGY TRANSFER FUNDS AT THE SAVANNAH RIVER SITE.—Of amounts authorized to be appropriated in subsection (a)(1) for nuclear materials support, there are hereby authorized to be appropriated $4,000,000 for technology transfer activities at the Department of Energy defense production facility at the Savannah River Site, South Carolina.

SEC. 3104. 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 established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $120,000,000.

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, and 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the 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 action and the circumstances making such action necessary; and

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

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 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, and 3103, 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—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and plant and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

SEC. 3132. 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 3102, 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. 3133. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102(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, $11,300,000 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 section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3134. TECHNOLOGY TRANSFER.

(a) IN GENERAL.—(1) The Secretary of Energy may use for technology transfer activities described in paragraph (2), and for cooperative research and development agreements and partnerships to carry out such activities, funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 under sections 3101 and 3103.

(2) The activities that may be funded under this paragraph are those activities determined by the Secretary of Energy to facilitate the maintenance and enhancement of critical skills required for research on, and development of, any dual-use critical technology.

(b) APPLICABILITY OF CERTAIN LAWS.—The Secretary of Energy shall conduct the activities funded under subsection (a) in accordance with applicable laws and regulations relating to grants, contracts, and cooperative agreements of the Department of Energy, including the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), the National Competitiveness Technology Transfer Act of 1989 (15 U.S.C. 3701 note), and section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123).

(c) DEFINITION.—For purposes of this section, the term "dual-use critical technology" has the meaning given such term by section 3136(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123(b)).

SEC. 3135. TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT ACTIVITIES FOR COMMUNITIES SURROUNDING SAVANNAH RIVER SITE.

(a) PLAN.—(1) The Secretary of Energy shall submit to the Congress a plan for the expenditure of funds in an equitable manner to foster technology transfer to, and economic development activities in, the communities surrounding the Savannah River Site, South Carolina.

(2) The plan required under paragraph (1)—

(A) shall be based on a report on the matters referred to in that paragraph that is prepared by the appropriate official of the Department of Energy at the Savannah River Site and submitted to the Secretary; and

(B) shall be submitted to the Congress by the Secretary within 30 days after the date on which the report referred to in subparagraph (A) is submitted to the Secretary.

(b) LIMITATION.—The Secretary of Energy may not, for the purpose of fostering technology transfer to, and economic development activities in, the communities referred to in subsection (a)(1), obligate more than $5,000,000 of the $30,000,000 appropriated to the Department of Energy for such purpose pursuant to the authorization of appropriations in section 3102 until 30 days after the date on which the Secretary submits to the Congress the plan required under that subsection.

SEC. 3136. PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) UNITED STATES POLICY.—It shall be the policy of the United States not to conduct research and development which could lead to the production by the United States of a new low-yield nuclear weapon, including a precision low-yield warhead.

(b) LIMITATION.—The Secretary of Energy may not conduct, or provide for the conduct of, research and development which could lead to the production by the United States of a low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(c) EFFECT ON OTHER RESEARCH AND DEVELOPMENT.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, research and development necessary—

(1) to design a testing device that has a yield of less than five kilotons;

(2) to modify an existing weapon for the purpose of addressing safety and reliability concerns; or

(3) to address proliferation concerns.

(d) DEFINITION.—In this section, the term "low-yield nuclear weapon" means a nuclear weapon that has a yield of less than five kilotons.

SEC. 3137. TESTING OF NUCLEAR WEAPONS.

(a) IN GENERAL.—Of the funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing, $211,326,000 shall be available for infrastructure maintenance at the Nevada Test Site, and for maintaining the technical capability to resume underground nuclear testing at the Nevada Test Site.

(b) ATMOSPHERIC TESTING OF NUCLEAR WEAPONS.—None of the funds appropriated pursuant to this Act or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.

SEC. 3138. STOCKPILE STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(b) PROGRAM ELEMENTS.—The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States with respect to the detonation of nuclear weapons.

(2) An increased level of effort for above-ground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics, and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for above-ground experiments to assess nuclear weapons effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, $157,400,000 shall be available for the stewardship program established under subsection (a).

(d) REPORT.—Each year, at the same time the President submits the budget under section 1105 of title 31, United States Code, the President shall submit to the Congress a report covering the most recently completed calendar year which sets forth—

(1) any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by 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; and

(2) if such concerns have been raised, the President's evaluation of each concern and a report on what actions are being or will be taken to address that concern.

SEC. 3139. NATIONAL SECURITY PROGRAMS.

Notwithstanding any other provision of law, not more than 95 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).

SEC. 3140. 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.

SEC. 3141. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION 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 (42 U.S.C. 7274e).

SEC. 3142. HAZARDOUS MATERIALS MANAGEMENT AND HAZARDOUS MATERIALS EMERGENCY RESPONSE TRAINING PROGRAM.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3102, not more than $10,000,000 shall be available to carry out a hazardous materials management and hazardous materials emergency response training program.

SEC. 3143. WORKER HEALTH AND PROTECTION.

(a) 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).

(b) 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, $11,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3144. VERIFICATION AND CONTROL TECHNOLOGY.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses 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 1606.

SEC. 3145. TRITIUM PRODUCTION REQUIREMENTS.

(a) EVALUATION.—(1) The Secretary of Energy shall evaluate—

(A) a range of contingency options for meeting potential tritium requirements of the United States before 2008; and

(B) long-term options for the production of tritium to meet the tritium requirements of the United States after 2008.

(2) Among the long-term options evaluated under paragraph (1)(B), the Secretary of Energy shall consider—

(A) those technologies and reactors that are evaluated by the Secretary for plutonium disposition and are appropriate for the production of tritium, for the feasibility and cost-effectiveness of using such technologies and reactors for the production of tritium; and

(B) any proposals for the private financing of tritium production facilities or for the commercial production of tritium that the Secretary considers promising.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to the Congress a report on the contingency options evaluated under subsection (a)(1)(A) which sets forth the Secretary's plan for meeting, through 2008, the requirements of the United States for tritium for national security purposes. The report shall include an assessment of the effect of the closing of the K reactor at the Savannah River Site, South Carolina, on the ability of the Department of Energy to meet such requirements. The report shall be submitted in unclassified form, with a classified appendix if necessary.

(c) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary of Energy shall include an assessment of the capacity of the Department of Energy to produce tritium after 2008 in the Secretary's programmatic environmental impact statement under 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) on the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary shall issue the programmatic environmental impact statement not later than March 1, 1995.

Subtitle D—Other Matters

SEC. 3151. LIMITATIONS ON THE RECEIPT AND STORAGE OF SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS.

(a) PURPOSE.—It is the purpose of this section to regulate the receipt and storage of spent nuclear fuel at the Department of Energy defense nuclear facility located at the Savannah River Site, South Carolina (in this section referred to as the "Savannah River Site").

(b) RECEIPT IN EMERGENCY CIRCUMSTANCES.—When the Secretary of Energy determines that emergency circumstances make it necessary to receive spent nuclear fuel, the Secretary shall submit a notification of that determination to the Congress. The Secretary may not receive spent nuclear fuel at the Savannah River Site until the expiration of the 30-day period beginning on the date on which the Congress receives the notification.

(c) LIMITATION ON STORAGE IN NON-EMERGENCY CIRCUMSTANCES.—The Secretary of Energy may not, under other than emergency circumstances, receive and store at the Savannah River Site any spent nuclear fuel in excess of the amount that (as of the date of the enactment of this Act) the Savannah River Site is capable of receiving and storing, until, with respect to the receipt and storage of any such spent nuclear fuel—

(1) the completion of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) the expiration of the 90-day period (as prescribed by regulation pursuant to such Act) beginning on the date of such completion; and

(3) the signing by the Secretary of a record of decision following such completion.

(d) LIMITATIONS ON RECEIPT.—The Secretary of Energy may not, under emergency or non-emergency circumstances, receive spent nuclear fuel if the spent nuclear fuel—

(1) cannot be transferred in an expeditious manner from its port of entry in the United States to a storage facility that is located at a Department of Energy facility and is capable of receiving and storing the spent nuclear fuel; or

(2) will remain on a vessel in the port of entry for a period that exceeds the period necessary to unload the fuel from the vessel pursuant to routine unloading procedures.

(e) CRITERIA FOR PORT OF ENTRY.—The Secretary of Energy shall, if economically feasible and to the maximum extent practicable, provide for the receipt of spent nuclear fuel under this section at a port of entry in the United States which, as determined by the Secretary and compared to each other port of entry in the United States that is capable of receiving the spent nuclear fuel—

(1) has the lowest human population in the area surrounding the port of entry;

(2) is closest in proximity to the facility which will store the spent nuclear fuel; and

(3) has the most appropriate facilities for, and experience in, receiving spent nuclear fuel.

(f) DEFINITION.—In this section, the term "spent nuclear fuel" means nuclear fuel that—

(1) was originally exported to a foreign country from the United States in the form of highly enriched uranium; and

(2) was used in a research reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

SEC. 3152. 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 periods".

SEC. 3153. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.

(a) ANNUAL ENVIRONMENTAL RESTORATION REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on the activities and projects necessary to carry out the environmental restoration of all Department of Energy defense nuclear facilities.

(2) Reports under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than March 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995 during which the Secretary of Energy conducts, or plans to conduct, environmental restoration activities and projects, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(b) ANNUAL WASTE MANAGEMENT REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on all activities and projects for waste management, transition of operational facilities to safe shutdown status, and technology research and development related to such activities and projects that are necessary for Department of Energy defense nuclear facilities.

(2) Reports required under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than June 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(c) CONTENTS OF REPORTS.—A report required under subsection (a) or (b) shall be based on compliance with all applicable provisions of law, permits, regulations, orders, and agreements, and shall—

(1) provide the estimated total cost of, and the complete schedule for, the activities and projects covered by the report; and

(2) with respect to each such activity and project, contain—

(A) a description of the activity or project;

(B) a description of the problem addressed by the activity or project;

(C) the proposed remediation of the problem, if the remediation is known or decided;

(D) the estimated cost to complete the activity or project, including, where appropriate, the cost for every five-year increment; and

(E) the estimated date for completion of the activity or project, including, where appropriate, progress milestones for every five-year increment.

(d) ANNUAL STATUS AND VARIANCE REPORTS.—(1)(A) The Secretary of Energy shall (in the years and at the time specified in subparagraph (B)) submit to the Congress a status and variance report on environmental restoration and waste management activities and projects at Department of Energy defense nuclear facilities.

(B) A report under subparagraph (A) shall be submitted in 1995 and in each year thereafter during which the Secretary of Energy conducts environmental restoration and waste management activities, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(2) Each status and variance report under paragraph (1) shall contain the following:

(A) Information on each such activity and project for which funds were appropriated for the fiscal year immediately before the fiscal year during which the report is submitted, including the following:

(i) Information on whether or not the activity or project has been completed, and information on the estimated date of completion for activities or projects that have not been completed.

(ii) The total amount of funds expended for the activity or project during such prior fiscal year, including the amount of funds expended from amounts made available as the result of supplemental appropriations or a transfer of funds, and an estimate of the total amount of funds required to complete the activity or project.

(iii) Information on whether the President requested an amount of funds for the activity or project in the budget for the fiscal year during which the report is submitted, and whether such funds were appropriated or transferred.

(iv) An explanation of the reasons for any projected cost variance between actual and estimated expenditures of more than 15 percent or $10,000,000, or any schedule delay of more than six months, for the activity or project.

(B) For the fiscal year during which the report is submitted, a disaggregation of the funds appropriated for Department of Energy defense environmental restoration and waste management into the activities and projects (including discrete parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(C) For the fiscal year for which the budget is submitted, a disaggregation of the Department of Energy defense environmental restoration and waste management budget request into the activities and projects (including discrete parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(e) COMPLIANCE TRACKING.—In preparing a report under this section, the Secretary of Energy shall provide, with respect to each activity and project identified in the report, information which is sufficient to track the Department of Energy's compliance with relevant Federal and State regulatory milestones.

SEC. 3154. LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsections:

"(c) The Secretary may lease, upon terms and conditions the Secretary considers appropriate to promote national security or the public interest, acquired real property and related personal property that—

"(1) is located at a facility of the Department of Energy to be closed or reconfigured;

"(2) at the time the lease is entered into, is not needed by the Department of Energy; and

"(3) is under the control of the Department of Energy.

"(d)(1) A lease entered into under subsection (c) may not be for a term of more than 10 years, except that the Secretary may enter into a lease that includes an option to renew for a term of more than 10 years if the Secretary determines that entering into such a lease will promote the national security or be in the public interest.

"(2) A lease entered into under subsection (c) may provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is less than the fair market rental value of the leasehold interest. Services relating to the protection and maintenance of the leased property may constitute all or part of such consideration.

"(e)(1) Before entering into a lease under subsection (c), the Secretary shall consult with the Administrator of the Environmental Protection Agency (with respect to property located on a site on the National Priorities List) or the appropriate State official (with respect to property located on a site that is not listed on the National Priorities List) to determine whether the environmental conditions of the property are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment.

"(2) Before entering into a lease under subsection (c), the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency or the appropriate State official, as the case may be, in the determination required under paragraph (1). The Secretary may enter into a lease under subsection (c) without obtaining such concurrence if, within 60 days after the Secretary requests the concurrence, the Administrator or appropriate State official, as the case may be, fails to submit to the Secretary a notice of such individual's concurrence with, or rejection of, the determination.

"(f) To the extent provided in advance in appropriations Acts, the Secretary may retain and use money rentals received by the Secretary directly from a lease entered into under subsection (c) in any amount the Secretary considers necessary to cover the administrative expenses of the lease, the maintenance and repair of the leased property, or environmental restoration activities at the facility where the leased property is located. Amounts retained under this subsection shall be retained in a separate fund established in the Treasury for such purpose. The Secretary shall annually submit to the Congress a report on amounts retained and amounts used under this subsection.".

SEC. 3155. 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.

(3) The Secretary may require any additional terms and conditions with respect to a transfer of property under paragraph (1) that the Secretary determines appropriate to protect the interests of the United States.

(b) COVERED PROPERTY.—Property referred to in subsection (a) is the following property of the Department of Energy that is located at a Department of Energy facility to be closed or reconfigured:

(1) The personal property and equipment at the facility that the Secretary determines to be excess to the needs of the Department of Energy.

(2) Any personal property and equipment at the facility (other than the property and equipment referred to in paragraph (1)) the replacement cost of which does not exceed an amount equal to 110 percent of the costs of relocating the property or equipment to another facility of the Department of Energy.

SEC. 3156. IMPROVED CONGRESSIONAL OVERSIGHT OF DEPARTMENT OF ENERGY SPECIAL ACCESS PROGRAMS.

(a) IN GENERAL.—Chapter 9 of the Atomic Energy Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding at the end the following new section:

"SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

"(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on special access programs of the Department of Energy carried out under the atomic energy defense activities of the Department.

"(2) MATTERS TO BE INCLUDED.—Each such report shall set forth—

"(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

"(B) for each such program in that budget, the following:

"(i) A brief description of the program.

"(ii) 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.

"(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) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense 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; and

"(B) justification for such designation.

"(2) MATTERS TO BE INCLUDED.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) NEW SPECIAL ACCESS PROGRAM DEFINED.—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) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—

"(1) NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever a change in the classification of a special access program of the Department of Energy is planned to be made or whenever classified information concerning a special access program of the Department of Energy is to be declassified and made public, the Secretary of Energy shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) TIME FOR NOTICE.—Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

"(3) TIME WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Energy, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

"(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Energy as a special access program, the Secretary of Energy shall promptly notify the congressional defense 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 AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Energy may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. The Secretary may waive the report-and-wait requirement in subsection (f) if the Secretary determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

"(2) LIMITED NOTICE REQUIRED.—If the Secretary exercises the authority provided under paragraph (1), the Secretary 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 congressional defense committees.

"(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

"(1) the congressional defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.

"(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 92 the following new item:

"Sec. 93. Congressional oversight of special access programs.".

SEC. 3157. 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) is 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 the Oak Ridge Reservation, 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 the Oak Ridge Reservation".

(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 "the Savannah River Site, South Carolina, or the Oak Ridge Reservation, 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 the Oak Ridge Reservation".

SEC. 3158. MODIFICATION OF PAYMENT PROVISION.

Section 1532(a) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 42 U.S.C. 2391 note) is amended by striking out "1996" and inserting in lieu thereof "1995".

SEC. 3159. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) GOAL.—Except as provided in subsection (c), a goal of 5 percent of the amount described in subsection (b) shall be the objective of the Department of Energy in carrying out national security programs of the Department in each of fiscal years 1994 through 2000 for the total combined amount obligated for contracts and subcontracts entered into with—

(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

(2) 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; and

(3) 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)).

(b) AMOUNT.—(1) Except as provided in paragraph (2), the requirements of subsection (a) for any fiscal year apply to the combined total of the funds obligated for contracts entered into by the Department of Energy pursuant to competitive procedures for such fiscal year for purposes of carrying out national security programs of the Department.

(2) In computing the combined total of funds under paragraph (1) for a fiscal year, funds obligated for such fiscal year for contracts for naval reactor programs shall not be included.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Energy determines that compelling national security considerations require otherwise; and

(2) if the Secretary notifies the Congress of such a determination and the reasons for the determination.

SEC. 3160. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(1) in paragraph (2)(B)—

(A) by inserting "(including a weapon production facility of the Department of Energy)" after "facilities"; and

(B) by inserting ", or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components," after "research and development";

(2) in paragraph (2)(C)—

(A) by inserting "(including a weapon production facility of the Department of Energy)" after "facility"; and

(B) by inserting ", or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components," after "research and development";

(3) in paragraph (2), by striking out "propulsion program; and" in the matter following subparagraph (C) and inserting in lieu thereof "propulsion program;";

(4) in paragraph (3), by striking out the period and inserting in lieu thereof "; and"; and

(5) by adding at the end the following new paragraph:

"(4) the term 'weapon production facility of the Department of Energy' means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in

the production, maintenance, testing, or dismantlement of a nuclear weapon or its components.".

SEC. 3161. CONFLICT OF INTEREST PROVISIONS FOR DEPARTMENT OF ENERGY EMPLOYEES.

(a) REPEAL.—Sections 603, 604, 605, 606, and 607 of the Department of Energy Organization Act (42 U.S.C. 7213 through 7217) are repealed.

(b) WAIVER.—Subsection (c) of section 602 of such Act (42 U.S.C. 7212) is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating paragraphs (1), (2), and (3), as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Secretary may, on a case-by-case basis, waive the requirements of this section for a supervisory employee covered if the Secretary finds that the waiver is in the best interests of the Department. A waiver under this paragraph is effective for that supervisory employee only if that supervisory employee establishes a qualified trust as provided in subparts D and E of 5 Code of Federal Regulations part 2634, as in effect on the date of the enactment of this provision. The provisions of section 2634.403(b)(3) of such part shall not apply to this paragraph.

"(B) A waiver under this paragraph shall be published in the Federal Register and shall contain the basis for the finding required by this paragraph. The waiver shall be for such period as the Secretary shall prescribe and may be renewed by the Secretary.".

(c) CONFORMING AMENDMENTS.—(1) Part A of title VI of such Act (42 U.S.C. 7211 et seq.) is amended—

(A) in section 601(c)(1), by striking out "sections 602 through 606" and inserting in lieu thereof "section 602";

(B) in section 601(d)—

(i) by striking out "sections 602(a), 603(a), 605(a), and 606" and inserting in lieu thereof "section 602(a)"; and

(ii) by striking out the third sentence;

(C) in section 602(d), by striking out "pursuant to section 603" and inserting in lieu thereof "to the extent known";

(D) by redesignating section 608 as section 603; and

(E) in section 603, as redesignated by subparagraph (D)—

(i) by striking out subsections (a) and (c);

(ii) by redesignating subsections (b) and (d) as subsections (a) and (b), respectively; and

(iii) in subsection (a), as redesignated by clause (ii), by striking out "section 602, 603, 604, 605, or 606" and inserting in lieu thereof "section 602".

(2) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 603, 604, 605, 606, 607, and 608 and inserting in lieu thereof the following:

"Sec. 603. Sanctions.".

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the application of part A of title VI of the Department of Energy Organization Act (42 U.S.C 7211 et seq.) to the Department of Energy and its officers and employees. The report shall—

(1) take into consideration the amendments to part A of title VI of such Act made by subsections (a), (b), and (c) of this section;

(2) examine whether the provisions of part A of title VI of such Act are necessary, taking into consideration other provisions of law regarding conflicts of interest and other statutes and requirements similar to part A that are applicable to other Federal agencies, including offices and bureaus of the Department of the Interior and the Federal Communications Commission;

(3) examine the scope of coverage under the provisions of part A of title VI of such Act for supervisory employees of the Department of Energy, and the definition of the term 'energy concern' under section 601(b) of such Act, taking into consideration changes in responsibilities and duties of the Department of Energy under the Energy Policy Act of 1992 (Public Law 102-486; 106 Stat. 2776) and under other laws enacted after the establishment of the Department, and advise whether such provisions are adequate, overly broad, or too limiting, as applied to the Department;

(4) examine whether the divestiture provisions of part A of title VI of such Act are needed, in addition to other applicable provisions of law and regulations relating to divestiture, to protect the public interest;

(5) identify the provisions of law and regulations referred to in paragraph (4) and explain the manner and extent to which such provisions are adequate for all of the employees covered by part A of title VI of such Act; and

(6) include any recommendations that the Secretary considers appropriate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1994, $16,560,000 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 FACILITIES 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 legislative recommendation, or any statement or information in preparation of a report to be submitted to the Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to the 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 provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) 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
Analgesics	53,525 pounds of anhydrous morphine alkaloid
Antimony	32,140 short tons
Diamond Dies, Small	25,473 pieces
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 National Defense Stockpile may not be used unless and until the Secretary of Defense certifies to Congress that the disposal of such materials will not adversely affect the capability of the 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. AUTHORIZED USES OF STOCKPILE FUNDS.

Subject to such limitations as may be provided in appropriations Acts, 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 established under subsection (a) of section 9 of Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

SEC. 3303. 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 the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 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. 3304. CONVERSION OF CHROMIUM ORE TO HIGH PURITY CHROMIUM METAL.

(a) UPGRADE PROGRAM AUTHORIZED.—Subject to subsection (b), the National Defense Stockpile Manager may carry out a program to upgrade to high purity chromium metal any stocks of chromium ore held in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) if the National Defense Stockpile Manager determines that additional quantities of high purity chromium metal are needed in the stockpile.

(b) INCLUSION IN ANNUAL MATERIALS PLAN.—Before entering into any contract in connection with the upgrade program authorized under subsection (a), the National Defense Stockpile Manager shall include a description of the upgrade program in the report containing the annual materials plan for the operation of the National Defense Stockpile required to be submitted to Congress under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(b)) or in a revision of the report made in the manner provided by section 5(a)(2) of such Act (50 U.S.C. 98d(a)(2)).

Subtitle B—Programmatic Changes

SEC. 3311. STOCKPILING PRINCIPLES.

Section 2(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)) is amended—

(1) in paragraph (2), by striking out "The quantities" and inserting in lieu thereof "Before October 1, 1994, the quantities"; and

(2) by adding at the end the following new paragraph:

"(3) On and after October 1, 1994, 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. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR DEVIATIONS FROM 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 by striking out "and a period of 30 days" and all that follows through "more than three days to a day certain." and inserting in lieu thereof "and a period of 45 days has passed from the date of the receipt of such statement by such committees.".

SEC. 3313. ADDITIONAL AUTHORIZED USES OF THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) EMPLOYEE PAY AND OTHER EXPENSES.—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(b) of such Act (50 U.S.C. 98h(b)) is amended by striking out paragraph (4).

SEC. 3314. 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—

(1) in the first sentence, by striking out ", based upon" and all that follows through "three years." and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: "Before October 1, 1994, such assumptions shall be based upon the total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years. On and after October 1, 1994, 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.".

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $146,391,000 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.).

SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYSTEM.

(a) DECLARATION OF POLICY.—Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"The purpose of this Act is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this Act.".

(b) DEFINITION OF HAZARD.—Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(2) by inserting before subsection (b), as so redesignated, the following new subsection (a):

"(a) The term 'hazard' means an emergency or disaster resulting from—

"(1) a natural disaster; or

"(2) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.";

(3) in subsection (b), as so redesignated—

(A) by striking out "attack" the first place it appears and inserting in lieu thereof "attack-related disaster"; and

(B) by striking out "atomic" and inserting in lieu thereof "nuclear";

(4) in subsection (c), as so redesignated, by striking out "and, for the purposes of this Act" and all that follows through "natural disaster;" and inserting in lieu thereof a period; and

(5) by striking out subsection (d), as so redesignated, and inserting in lieu thereof the following new subsection:

"(d) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

"(1) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

"(2) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(3) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).".

(c) CONFORMING AMENDMENTS TO REFLECT DEFINITION OF HAZARD.—(1) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(A) in subsection (c), by striking out "an attack or natural disaster" and inserting in lieu thereof "a hazard";

(B) in subsection (d), by striking out "attacks and natural disasters" and inserting in lieu thereof "hazards"; and

(C) in subsection (g)—

(i) by striking out "an attack or natural disaster" the first place it appears and inserting in lieu thereof "a hazard"; and

(ii) by striking out "undergoing an attack or natural disaster" and inserting in lieu thereof "experiencing a hazard".

(2) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by striking out "natural disasters" and inserting in lieu thereof "hazards".

(d) STATE USE OF FUNDS FOR PREPARATION AND RESPONSE.—(1) Section 207 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2289) is amended to read as follows:

"SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act for civil defense activities and measures related to hazards.".

(2) The item relating to section 207 in the table of contents in the first section of such Act is amended to read as follows:

"Sec. 207. Use of funds to prepare for and respond to hazards.".

(e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301-2303) is repealed.

(2) The table of contents in the first section of such Act is amended by striking out the items related to title V.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of contents in the first section of the Federal Civil Defense Act of 1950 is amended—

(A) by inserting after the item relating to section 204 the following new item:

"Sec. 205. Contributions for personnel and administrative expenses.";

and

(B) by inserting after the item relating to section 412 the following new item:

"Sec. 413. Applicability of Reorganization Plan Numbered 1.".

(2) Section 3 of such Act (50 U.S.C. App. 2252), as amended by subsection (b) of this section, is further amended—

(A) in each of subsections (b), (e), (f), and (g), as redesignated by subsection (b)(1) of this section, by striking out the semicolon at the end and inserting in lieu thereof a period; and

(B) in subsection (h), as so redesignated, by striking out "; and" and inserting in lieu thereof a period.

(3) Section 205 of such Act (50 U.S.C. App. 2286) is amended by striking out "SEC. 205." and inserting in lieu thereof the following:

"SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.".

(g) AMENDMENT FOR STYLISTIC CONSISTENCY.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is further amended so that the section designation and section heading of each section of such Act shall be in the same form and typeface as the section designation and heading of section 2 of such Act, as amended by subsection (a) of this section.

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 Supervisory Board of the Commission;

(2) $5,000 may be expended for official reception and representation expenses of the Secretary of the Commission; and

(3) $30,000 may be expended for official reception and representation expenses of the Administrator of the Commission.

(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 such 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 (5 U.S.C. App.), 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 title 5, United States Code, 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 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 as of 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.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

From the Committee on Armed Services, for consideration of the entire House bill and the entire Senate amendment, and modifications committed to conference:

RONALD V. DELLUMS,
G.V. MONTGOMERY,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
MARILYN LLOYD,
NORMAN SISISKY,
JOHN M. SPRATT, Jr.,
FRANK MCCLOSKEY,
SOLOMON P. ORTIZ,
GEORGE HOCHBRUECKNER,
GENE TAYLOR,
NEIL ABERCROMBIE,
TOM ANDREWS,
CHET EDWARDS,
ROBERT A. UNDERWOOD,
JANE HARMAN,
FLOYD SPENSE,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
ARTHUR RAVENEL, Jr.,
RONALD K. MACHTLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

DAN GLICKMAN,
BILL RICHARDSON,
LARRY COMBEST,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 812 and 1316 of the House bill, and sections 1087, 2854, and 2908 of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
STEVE NEAL,
PAUL E. KANJORSKI,
TOM RIDGE,

Provided, Mr. Frank of Massachusetts is appointed in lieu of Mr. Gonzalez and Mr. Bereuter is appointed in lieu of Mr. Ridge solely for the consideration of section 1087 of the Senate amendment:

BARNEY FRANK,
DOUG BEREUTER,

As additional conferees from the Committee on Education and Labor, for consideration of sections 373, 1303, 1331, 1333–1377, 1343, 1344, and 3103 of the House bill and sections 338, 532, 1088, and 2853 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
PAT WILLIAMS,
TOM PETRI,
BILL GOODLING,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 267, 382, 601, 1109, 1314, 2816, 2822, 2829, 2830, 2839, 3105(b) and (c), 3132, 3137, 3140, and 3201 of the House bill and sections 322, 325, 327, 705, 822, 1088, 2802, 2803, 2833, 2842, 2844, 2913, 3106(c), (d), (j), (l), 3131, 3132, 3133, 3136–3147, 3149, 3150, 3201, and 3202 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
PHILIP R. SHARP,
AL SWIFT,
CARLOS J. MOORHEAD,
MICHAEL G. OXLEY,

Provided, Mr. Bliley is appointed in lieu of Mr. Oxley solely for the consideration of sections 267, 601, and 1109 of the House bill, and sections 705 and 3106 of the Senate amendment:

TOM BLILEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Oxley solely for the consideration of sections 1314, 3137, 3140, and 3201 of the House bill, and sections 322, 2802, 2803, 3132, 3136, 3139–3147, 3149, 3150, 3201, and 3202 of the Senate amendment:

MIKE BILIRAKIS,

Provided, Mr. Stearns is appointed in lieu of Mr. Oxley and Mrs. Collins of Illinois is appointed in lieu of Mr. Swift solely for the consideration of section 822 of the Senate amendment:

CLIFF STEARNS,
CARDISS COLLINS,

Provided, Mr. Schaefer is appointed in lieu of Mr. Oxley solely for the consideration of section 3138 of the Senate amendment:

DAN SCHAEFER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 234, 237, 241, 1005, 1008 (relating to funding structure for contingency operations), 1009 (relating to report on humanitarian assistance activities), 1021, 1022, 1034, 1038, 1041, 1043–1045, 1048, 1051–1055, 1105, 1107, 1108, 1201–1203, 1205–1208, 1360, 1501–1510, and 3136 of the House bill, and sections 216, 221, 223, 224, 241–245, 547, 1041, 1042, 1051–1054, 1061, 1067, 1077, 1078, 1083–1085, 1087, 1093, 1094, 1101–1103, and 1105–1107 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
BEN GILMAN,

As additional conferees from the Committee on Government Operations, for consideration of sections 818, 829, 1023, 1050, 2816, 2821, 2822, 2823, 2839, and 3140 of the House bill and sections 825, 2843, 2844, and 2909–2908 of the Senate amendment, and modification committed to conference:

JOHN CONYERS, Jr.,
CARDISS COLLINS,
GLENN ENGLISH,
BILL CLINGER,
AL MCCANDLESS,

As additional conferees from the Committee on the Judiciary, for consideration of section 262 of the House bill, and modifications committed to conference:

JACK BROOKS,
MIKE SYNAR,
HOWARD L. BERMAN,
HAMILTON FISH, Jr.,
CARLOS J. MOORHEAD,

As additional conferees from the Committee on the Judiciary, for consideration of section 1022 of the House bill, and modifications committed to conference:

JACK BROOKS,
CHARLES SCHUMER,
JOHN CONYERS, Jr.,
F. JAMES SENSENBRENNER, Jr.,
HAMILTON FISH, Jr.,

As additional conferees from the Committee on the Judiciary, for consideration of section 1082 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
JOHN BRYANT,
HAMILTON FISH, Jr.,
BILL MCCOLLUM,

As additional conferees from the Committee on Merchant Marine and Fisheries, for the consideration of section 1351, 1352, and 1354–1359 of the House bill and sections 654 and 3501–3506 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
BILLY TAUZIN,
WILLIAM O. LIPINSKI,
JACK FIELDS,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 265, 1314, and 3137 of the House bill and sections 328, 2841, 2851, 2915, 3103, and 3135 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
JOLENE UNSOELD,
JACK REED,
JACK FIELDS,

As additional conferees from the Committee on Natural Resources, for consideration of section 2818 of the House bill and sections 2855, 3132, 3139, and 3147 of the Senate amendment, and modifications committed to conference:

GEORGE MILLER,
BRUCE F. VENTO,
DON YOUNG,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 364, 901, 934, 943, and 1408 of the House bill and sections 523, 1064, and 3504 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN T. MYERS,
CONSTANCE A. MORELLA,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 2816 and 2841 of the House bill and sections 1068, 1087, 2833, 2842, and 2917 of the Senate amendment, and modifications committed to conference:

NORMAN Y. MINETA,
DOUGLAS APPLEGATE,
BOB WISE,
BUD SHUSTER,
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 1008 (relating to funding structure for contingency operations) of the House bill, and modifications committed to conference:

BUTLER DERRICK,
TONY BEILENSON,
MARTIN FROST,
GERALD B.H. SOLOMON,
JAMES H. QUILLEN,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 215, 262, 265, 1303, 1304, 1312–1318, and 3105 of the House bill and sections 203, 233, 235, 803, and 3141–3148 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
EDDIE BERNICE JOHNSON,

As additional conferees from the Committee on Small Business, for consideration of section 829 of the House bill, and modifications committed to conference:

JOHN J. LAFALCE,
NEAL SMITH,
JAN MEYERS,

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 1071 and 1079 of the Senate amendment, and modifications committed to conference:

G.V. MONTGOMERY,
GEORGE E. SANGMEISTER,
BOB STUMP,

Provided, Mr. Slattery is appointed in lieu of Mr. Sangmeister solely for the consideration of section 1079:

JIM SLATTERY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 635, 705, and 1087 of the Senate amendment, and modifications committed to conference:

J.J. PICKLE,
Managers on the Part of the House.

SAM NUNN,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
JOHN GLENN,
RICHARD SHELBY,
ROBERT C. BYRD,
BOB GRAHAM,
CHUCK ROBB,
JOSEPH I. LIEBERMAN,
RICHARD H. BRYAN,
STROM THURMOND,
JOHN WARNER,
BILL COHEN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2401) 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons, programs of the Department of Energy, and civil defense that have a budget authority implication of $260.9 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is generally provided in appropriation acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 1994 and, in addition, summarizes the implication of the conference action for the budget totals for national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1994
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION: FY1994 Request	House	Senate	House +/- Senate	Conference vs. Request	Conference
DIVISION A										
TITLE I										
Aircraft Procurement, Army	1,110.436	1,506.537	1,249.539	1,338.351	1,110.436	1,506.537	1,249.539	256.998	227.915	1,338.351
Missile Procurement, Army	1,043.550	1,084.315	1,083.810	1,081.515	1,043.550	1,084.315	1,083.810	0.505	37.965	1,081.515
Weapons & Tracked Combat Vehicles	874.346	876.997	1,009.679	886.717	1,074.346	1,076.997	1,209.679	-132.682	12.371	1,086.717
Procurement of Ammunition, Army	734.427	665.466	621.049	619.668	734.427	665.466	621.049	44.417	-114.759	619.668
Other Procurement, Army	3,051.281	2,946.362	2,864.575	2,992.077	3,051.281	2,946.362	2,864.575	81.787	-59.204	2,992.077
Chemical Destruction, Army	125.486				433.647				-433.647	
Aircraft Procurement, Navy	6,132.604	5,759.827	5,755.166	5,793.157	6,132.604	5,759.827	5,755.166	4.661	-339.447	5,793.157
Weapons Procurement, Navy	3,040.260	2,764.824	3,000.614	2,986.965	3,040.260	2,764.824	3,000.614	-235.790	-53.295	2,986.965
Shipbuilding & Conversion, Navy	4,294.742	4,160.188	4,264.647	4,265.102	4,294.742	4,160.188	4,264.647	-104.459	-29.640	4,265.102
Other Procurement, Navy	2,967.974	2,861.480	2,820.931	2,953.605	2,967.974	2,861.480	2,820.931	40.549	-14.369	2,953.605
Procurement, Marine Corps	483.464	471.021	480.521	483.621	483.464	471.021	480.521	-9.500	0.157	483.621
Aircraft Procurement, Air Force	7,300.965	7,223.502	4,041.664	7,013.938	7,300.965	7,223.502	4,041.664	3,181.838	-287.027	7,013.938
Missile Procurement, Air Force	4,361.050	3,620.871	4,245.404	3,582.743	4,361.050	3,620.871	4,245.404	-624.533	-778.307	3,582.743
Other Procurement, Air Force	7,942.065	7,621.793	7,610.888	7,524.608	7,942.065	7,621.793	7,610.888	10.905	-417.457	7,524.608
Procurement, Defense-Wide	1,730.164	2,177.082	2,044.971	3,050.748	1,730.164	2,177.082	2,044.971	132.111	1,320.584	3,050.748
National Guard & Reserve Equipment		993.275	785.000	990.000		993.275	785.000	208.275	990.000	990.000
Chemical Agents & Munitions Destruction		114.500	442.947	379.561		422.661	442.947	-20.286	379.561	379.561
Inspector General Procurement	0.800	0.800	0.600	0.800						
Defense Health Program	272.762	272.762								
National Sealift Initiative		200.000		147.000		200.000		200.000	147.000	147.000
Total Procurement	45,466.376	45,321.602	42,322.005	46,090.176	45,700.975	45,556.201	42,521.405	3,034.796	588.401	46,289.376
TITLE II										
R,D,T& E Army	5,249.948	5,427.141	5,303.738	5,197.467	5,249.948	5,427.141	5,303.738	123.403	-52.481	5,197.467
R,D,T& E Navy	9,215.604	8,736.970	8,338.931	8,376.737	9,215.604	8,736.970	8,338.931	398.039	-838.867	8,376.737
R,D,T& E Air Force	13,694.984	13,446.635	12,681.597	12,289.211	13,694.984	13,446.635	12,681.597	765.038	-1,405.773	12,289.211
R,D,T& E Defense-Wide	10,174.549	10,029.410	9,510.709	8,787.707	10,174.549	10,029.410	9,510.709	518.701	-1,386.842	8,787.707
Developmental Test & Evaluation	272.592	232.592	252.592	242.592	272.592	232.592	252.592	-20.000	-30.000	242.592
Operational Test & Evaluation	12.650	12.650	12.650	12.650	12.650	12.650	12.650			12.650
FFRDC Reduction			-200.000	-200.000			-200.000	200.000	-200.000	-200.000
Total Research & Development	38,620.327	37,885.398	35,900.217	34,706.364	38,620.327	37,885.398	35,900.217	1,985.181	-3,913.963	34,706.364

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1994
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION FY1994 Request	House	Senate	House +/- Senate	Conference vs. Request	Conference
TITLE III										
O&M, Army	16,014.394	16,462.610	15,194.036	15,907.246	16,014.394	16,462.610	16,224.236	238.374	-107.148	15,907.246
O&M, Navy	20,192.900	20,102.493	19,081.792	20,076.440	20,192.900	20,102.493	20,324.492	-221.999	-116.460	20,076.440
O&M, Marine Corps	1,818.000	1,990.139	1,790.489	1,860.056	1,818.000	1,990.139	1,911.489	78.650	42.056	1,860.056
O&M, Air Force	19,808.384	19,788.648	18,932.246	19,330.109	19,808.384	19,788.648	20,073.646	-284.998	-478.275	19,330.109
O&M, Defense-Wide	9,587.581	9,076.428	9,523.283	9,235.461	9,587.581	9,076.428	9,523.283	-446.855	-352.120	9,235.461
Office of the Inspector General	126.801	169.001	127.001	161.001	127.601	169.801	127.601	42.200	34.200	161.801
O&M, Army Reserve	1,107.800	1,095.590	1,096.190	1,095.590	1,107.800	1,095.590	1,096.190	-0.600	-12.210	1,095.590
O&M, Navy Reserve	773.800	775.800	782.800	772.706	773.800	775.800	782.800	-7.000	-1.094	772.706
O&M, Marine Corps Reserve	75.100	75.050	83.100	82.950	75.100	75.050	83.100	-8.050	7.850	82.950
O&M, Air Force Reserve	1,354.578	1,354.578	1,356.078	1,346.292	1,354.578	1,354.578	1,356.078	-1.500	-8.286	1,346.292
O&M, Army National Guard	2,218.900	2,223.255	2,216.944	2,216.544	2,218.900	2,223.255	2,216.944	6.311	-2.356	2,216.544
O&M, Air National Guard	2,657.233	2,665.233	2,717.733	2,639.204	2,657.233	2,665.233	2,717.733	-52.500	-18.029	2,639.204
Civilian Youth Opportunities			49.000				49.000	-49.000		
Rifle Practice	2.483	2.483	2.483	2.483	2.483	2.483	2.483			2.483
Court of Military Appeals, Defense	6.055	5.610	6.055	6.055	6.055	5.610	6.055	-0.445		6.055
Drug Interdiction	1,168.200	1,109.439	1,168.200	868.200	1,168.200	1,109.439	1,168.200	-58.761	-300.000	868.200
Summer Olympics			2.000	2.000			2.000	-2.000	2.000	2.000
World Cup USA			12.000	12.000			12.000	-12.000	12.000	12.000
Disaster Relief					15.000	15.000	15.000			15.000
Defense Health Program	9,080.538	9,106.685	9,303.447	9,379.447	9,353.300	9,379.447	9,303.447	76.000	26.147	9,379.447
Environmental Restoration, Defense	2,309.400	2,309.400	2,369.400	1,962.400	2,309.400	2,309.400	2,369.400	-60.000	-347.000	1,962.400
Humanitarian Assistance		58.000	48.000	48.000		58.000	48.000	10.000	48.000	48.000
Global Cooperative Initiatives Fund	448.000				448.000				-448.000	
Videotaping Interrogations		2.500				2.500		2.500		
Former Soviet Union Threat Reduction	400.000	400.000	400.000	400.000	400.000	400.000	400.000			400.000
Overseas Milt. Facilities/NSC Army					10.067	10.067	10.067			10.067
Chemical Destruction, Army	308.161									
Chemical Destruction, Defense		308.161								
Total Operation & Maintenance	89,458.308	89,081.103	86,262.277	87,404.184	89,448.776	89,071.571	89,823.244	-751.673	-2,018.725	87,430.051
Defense Business Operations Fund	1,161.095	1,091.095	1,161.095	1,116.095	-1,874.205	-1,944.205	-1,874.205	-70.000	2,990.300	1,116.095
National Defense Strategic Lift Fund	290.800	290.800	2,669.100	290.800	290.800	290.800	2,669.100	-2,378.300		290.800
National Security Education Trust Fund	24.000		24.000	24.000	24.000		24.000	-24.000		24.000

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1994
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION FY1994 Request	House	Senate	House +/- Senate	Conference vs. Request	Conference
TITLE IV-V-VI-VII										
Total Military Personnel (Sec. 431)		70,671.147	70,711.000	70,183.770	70,083.770	70,671.147	70,711.000	-39.853	100.000	70,183.770
GENERAL PROVISIONS										
Allowance for Proposed Legislation	-1,001.000		0.015		-1,001.000		0.015	-0.015	1,001.000	
National Contingency Operations		10.000		10.000		10.000		10.000	10.000	10.000
Export Loan Guarantees (Function 150)			[25.000]	[25.000]			[25.000]	[-25.000]	[25.000]	[25.000]
DIVISION B										
Military Construction, Army	776.642	875.097	863.944	894.026	776.642	875.097	863.944	11.153	117.384	894.026
Military Construction, Navy	655.123	750.343	660.923	668.323	655.123	750.343	660.923	89.420	13.200	668.323
Military Construction, Air Force	897.178	968.220	1,032.778	1,014.165	906.378	977.420	1,041.978	-64.558	116.987	1,023.365
Milt. Construction, Defense Agencies	1,077.718	642.818	1,031.178	557.758	1,077.718	642.818	1,031.178	-388.360	-519.960	557.758
NATO Infrastructure	240.000	240.000	240.000	140.000	240.000	240.000	240.000		-100.000	140.000
Milt. Construction, Army National Guard	50.865	233.890	277.051	283.483	50.865	233.890	277.051	-43.161	232.618	283.483
Milt. Construction, Air National Guard	142.353	218.114	233.793	236.341	142.353	218.114	233.793	-15.679	93.988	236.341
Military Construction, Army Reserve	82.233	88.433	124.794	101.433	82.233	88.433	124.794	-36.361	19.200	101.433
Military Construction, Naval Reserve	20.591	20.591	25.013	25.013	20.591	20.591	25.013	-4.422	4.422	25.013
Milt. Construction, Air Force Reserve	55.727	84.004	68.427	73.927	55.727	84.004	68.427	15.577	18.200	73.927
Base Realignment & Closure Part I	27.870	127.870	12.830	12.830	27.870	127.870	12.830	115.040	-15.040	12.830
Base Realignment & Closure Part II	1,800.500	2,200.500	1,526.310	1,526.310	1,800.500	2,200.500	1,526.310	674.190	-274.190	1,526.310
Base Realignment & Closure Part III	1,200.000	1,306.000	1,500.000	1,144.000	1,200.000	1,306.000	1,500.000	-194.000	-56.000	1,144.000
Prior Year Deauthorizations			-248.404	-241.977			-248.404	248.404	-241.977	-241.977
Total Military Construction	7,026.800	7,755.880	7,348.637	6,435.632	7,036.000	7,765.080	7,357.837	407.243	-591.168	6,444.832
Family Housing, Army	1,343.886	1,371.386	1,353.986	1,339.405	1,343.474	1,370.974	1,353.574	17.400	-4.481	1,338.993
Family Housing, Navy	1,208.824	1,227.824	1,205.263	1,190.182	1,208.824	1,227.824	1,205.263	22.561	-18.642	1,190.182
Family Housing, Air Force	1,027.147	1,063.208	1,069.147	1,025.866	1,027.147	1,063.208	1,069.147	-5.939	-1.281	1,025.866
Family Housing, Defense Agencies	27.496	27.496	27.496	27.496	27.496	27.496	27.496			27.496
Homeowners Assistance Fund	151.400	151.400	151.400	151.400	151.400	151.400	151.400			151.400
Prior Year Deauthorizations				-104.455					-104.455	104.455
Total Family Housing	3,758.753	3,841.314	3,807.292	3,629.894	3,758.341	3,840.902	3,806.880	34.022	-128.859	3,629.482

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1994
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION: FY1994 Request	House	Senate	House +/- Senate	Conference vs. Request	Conference
DIVISION C										
TITLE XXXI- DOE										
Weapons Activities	3,770.965	3,597.965	3,697.582	3,595.198	3,770.965	3,597.965	3,697.582	-99.617	-175.767	3,595.198
Def. Environ. Restoration/ Waste Manage	5,465.877	5,253.377	5,301.232	5,181.855	5,465.877	5,253.377	5,301.232	-47.855	-284.022	5,181.855
Materials Support/Other Defense Program	2,164.185	2,059.185	2,114.185	1,963.755	2,164.185	2,059.185	2,114.185	-55.000	-200.430	1,963.755
Defense Nuclear Waste Disposal	120.000	120.000	120.000	120.000	120.000	120.000	120.000			120.000
New Tritium Production & Plutonium Dest			40.000				40.000	-40.000		
TITLE XXXII										
Defense Nuclear Facilities Safety Board	15.060	15.060	18.000	16.560	15.060	15.060	18.000	-2.940	1.500	16.560
TITLE XXXIII										
Natl Defense Stockpile Transaction Fund			67.300	67.300	-500.000	-500.000	-489.600	-10.400	10.400	-489.600
TITLE XXXIV										
FEMA Civil Defense	146.391	146.391	152.900	146.391	241.490	241.490	247.999	-6.509		241.490
RECAPITULATION										
Department of Defense (Division A)	174,019.906	244,351.145	239,049.709	239,825.389	241,293.443	241,540.912	239,774.776	1,766.136	-1,242.987	240,050.456
Department of Defense (Division B)	10,785.553	11,597.194	11,155.929	10,065.526	10,794.341	11,605.982	11,164.717	441.265	-720.027	10,074.314
Natl Defense Stockpile Transaction Fund			67.300	67.300	-500.000	-500.000	-489.600	-10.400	10.400	-489.600
Trust Funds					321.045	321.045	321.045			321.045
Rocky Mtn Arsenal/Disposal & Lease/WWII					29.000	29.000	29.000			29.000
Offsetting Receipts					-1,035.907	-1,035.907	-1,035.907			-1,035.907
Total DoD Military (051)	184,805.459	255,948.339	250,272.938	249,958.215	250,901.922	251,961.032	249,764.031	2,197.001	-1,952.614	248,949.308
Total Atomic Energy Defense Act. (053)	11,536.087	11,045.587	11,290.999	10,877.368	11,536.087	11,045.587	11,290.999	-245.412	-658.719	10,877.368
Total Other Defense (054)	146.391	146.391	152.900	146.391	1,107.562	1,114.642	1,154.971	-40.329		1,107.562
Total National Defense Function (050)	196,487.937	267,140.317	261,716.837	260,981.974	263,545.571	264,121.261	262,210.001	1,911.260	-2,611.333	260,934.238

Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

Defense budget reductions

The authorizations in this bill for military personnel, operation and maintenance, research and development, military construction, family housing, and the defense activities of the Department of Energy are all lower than those contained in either the House bill or the Senate amendment.

The conferees emphasize that they do not support all the additional reductions they were forced to make in this conference report. Unfortunately, the conferees were required to make these reductions in light of the severe pressure on the defense budget this year, especially with respect to outlays.

The conferees were forced to reduce outlays below the level requested by the President by $3 billion, despite the fact that the Budget Resolution for fiscal year 1994 approved both the budget authority and outlay levels requested by the President for the national defense function.

A large part of this outlay reduction resulted from a scorekeeping dispute between the executive and legislative branches. The conferees are disappointed that, despite their repeated efforts to forge a constructive dialogue to resolve this problem, none of the parties responsible for making and enforcing scorekeeping decisions in the executive or legislative branch joined the conferees in this effort.

Arms control compliance

The budget request contained $305.5 million for arms control-related programs.

The House bill would authorize $305.5 million.

The Senate amendment would authorize $268.7 million.

Based on through consultations with officials from the Office of the Secretary of Defense, the military services, and the On-Site Inspection Agency (OSIA), the conferees recommend several adjustments to the budget request. The adjustments reflect delays in the anticipated date of entry into force of the Strategic Arms Reduction Treaty (START) and changes in the implementation schedules of other arms control treaties and agreements. The adjustments result in reductions to the budget request of $10.7 million in procurement, $2.0 million in research and development, $0.2 million in military construction, and $30.1 million in operation and maintenance accounts.

The Department of Defense funds most of the costs of implementing arms control agreements to which the United States is a party. Recently concluded arms control agreements have included the creation of consultative commissions or groups that allow treaties to operate provisionally prior to entry into force. The commissions and groups promote the objectives and implementation of treaty provisions, and discuss and resolve questions or problems that may arise relating to compliance with, questions or problems that may arise relating to compliance with, or possible circumvention, of treaties. Additionally, these commissions and groups can recommend technical changes and amendments to the treaties which could increase the costs of implementing the treaties.

The conferees request that the Department of Defense notify the congressional defense committees 30 days prior to U.S. agreement to any recommendations made by the various commissions and groups that would result in changes to the treaties that would affect the inspection and monitoring provisions, or that would increase the costs of implementation. The advance notification should include information on the effect of the changes and their contribution to U.S. national security.

FY 1994 DoD Arms Control Budget
(Dollars in Millions)

Account	Program	Request	Conference Change	Conference Recommendation
WPN	Arms control compliance	7.200		7.200
MPAF	MMII/MMIII mods	4.661	−4.661	0.000
OPAF	Spares & repairs	0.039		0.039
OPA	Arms control compliance	10.500	−4.861	5.639
PDA	OSIA	1.200	−1.161	0.039
RDT&E,AF	Arms control implementation	7.107		7.107
RDT&E,DA	Ver tech dem, DNA (603711)	46.350	−2.000	44.350
O&M, Army		36.516	−0.679	35.837
O&M, Navy		36.667	−0.764	35.903
O&M,Air Force		37.887		37.887
O&M, DA	OSIA	114.888	−28.612	86.276
Milcon, DA	OSIA	0.812		0.812
Milcon	Army	1.715	−0.215	1.500
Total		305.542	−42.953	262.589

Management of tactical reconnaissance programs

The conferees are alarmed by the military departments' failed attempts to develop a tactical level reconnaissance capability. These problems are discussed in various other sections of this statement of the managers. Although the Cold War is over, tactical reconnaissance is relatively more important to national security than at any time in history. The proliferation of sophisticated weapons on the international market, reduced budgets and force levels, and the imperative of operating jointly places a premium on having this tactical reconnaissance capability.

Therefore, the conferees believe that it is time for a bold, new approach. The Department of Defense must bring management attention, order, and efficiency to improving tactical reconnaissance capabilities. The conferees direct the Under Secretary of Defense for Acquisition and Technology to create a new acquisition executive position to oversee a single, integrated tactical reconnaissance office (TRO). The conferees envision that the TRO would complement the existing National Reconnaissance Office (NRO), but would focus on aerial reconnaissance missions at the theater-level and below to support the combatant commands.

The conferees believe that the TRO could replace the current disparate activities and incorporate minor elements, as necessary, from existing program offices, such as the unmanned aerial vehicle (UAV) joint program office (JPO). The conferees believe such an organization should be small and streamlined.

The conferees direct that the TRO manage the consolidated development and procurement efforts for both manned and unmanned tactical airborne reconnaissance, sensor development, and ground station support. The consolidation should reduce overhead and increase commonality. For example, although there are numerous manned and unmanned collection systems (U-2, RC-135, EP-3, ES-3, RC-12, F/A-18D (RC), and short-range and tactical endurance UAVs), the conferees see no reason to maintain of develop entirely separate sensor packages or separate ground stations for each system. The office should work closely with the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, NRO, Defense Support Program Office, Central Imagery Office, and National Security Agency to eliminate gaps and duplication and to ensure that forces can operate jointly.

The conferees also encourage the Under Secretary of Defense for Acquisition and Technology to incorporate streamlined acquisition techniques in managing the TRO. The conferees believe that the TRO could use better procedures for faster, more efficient implementation of engineering changes, waivers, and acceptance testing.

The conferees direct the Secretary of Defense to report to the congressional defense and intelligence committees on a proposed tactical reconnaissance office management plan and organizational charter within 60 days after enactment of this act.

Division A—Department of Defense Authorizations

TITLE I—PROCUREMENT

Overview

The budget request for fiscal year 1994 contained an authorization of $45,466.4 million for procurement in the Department of Defense. The House bill would authorize $45,321.6 million. The Senate amendment would authorize $42,322.0 million. The conferees recommend authorization of $46,090.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

AIRCRAFT PROCUREMENT, ARMY

Overview

The budget request for fiscal year 1994 contained an authorization of $1,110.4 million for Aircraft Procurement, Army. The House bill would authorize $1,506.5 million. The Senate amendment would authorize $1,249.5 million. The conferees recommend authorization of $1,081.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	AIRCRAFT PROCUREMENT, ARMY												
1	GUARDRAIL COMMON SENSOR (TIARA)		4,885	2	29,885		4,885	2	25,000				4,885
2	TRACTOR HALL												
	C-21A AIRCRAFT												
3	TOTAL PACKAGE FIELDING		278		278		278						278
4	AH-64 ATTACK HELICOPTER (APACHE)		17,570	10	167,570		177,570	10	-10,000	10	150,000	10	167,570
5	UH-60 BLACKHAWK (MYP)	60	233,557	60	233,557	60	233,557					60	233,557
6	UH-60 ADVANCE PROCUREMENT (CY)		174,696		174,696		174,696						174,696
7	HELICOPTER NEW TRAINING	50	29,254	50	48,154	50	29,254		18,900		18,900	50	48,154
	ARL AIRCRAFT				42,098				42,098		42,098		42,098
	MODIFICATION OF AIRCRAFT												
8	TRACTOR DEW		10		10		10						10
9	GUARDRAIL MODS (TIARA)		111,534		92,534		111,534		-19,000		-19,000		92,534
10	AH1F MODS		4,266		4,266		4,266						4,266
11	AH-64 MODS		46,392		46,392		46,392				-1,100		45,292
12	CH-47 CARGO HELICOPTER MODS (MYP)		15,367		15,367		15,367						15,367
13	OH-58 MODS		7,685		7,685		7,685						7,685
14	C-20 AIRCRAFT MODS		956		956		956						956
15	C-23 MODS												
16	FLIGHT DATA RECORDER		2,373		2,373		2,373						2,373
17	EXTERNAL FUEL TANKS (UH-1)				5,000				5,000				
18	UH-1 MODS		14,171		14,171		14,171						14,171
	UH-1 SLEP												
19	UH-60A (BLACK HAWK) MODS		46,886		46,886		46,886				-24,586		22,300
20	KIOWA WARRIOR		145,548	36	370,548		145,548	36	225,000	18	112,500	18	258,048
21	EH-60 QUICKFIX MODS		490		490		490						490
22	AIRBORNE AVIONICS		4,780		4,780		4,780						4,780
23	ASE MODS		4,180		4,180		4,180						4,180
24	MODIFICATIONS < $2.0M		1,530		1,530		1,530						1,530
25	APA SPARES AND REPAIR PARTS		86,251		56,251		86,251		-30,000		-30,000		56,251
26	AIRCRAFT SURVIVABILITY EQUIPMENT		37,559		37,559		37,559						37,559
27	AIRBORNE COMMAND & CONTROL CONSOLES		11,372		11,372		11,372						11,372
28	AVIONICS SUPPORT EQUIPMENT		33,108		33,108		33,108						33,108
29	COMMON GROUND EQUIPMENT		27,566		27,566		27,566						27,566

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
30	CONTRACT AUDIT/MGMT APA		20,897								-20,897		
31	AVIATION LIFE SUPPORT EQUIPMENT (ALS		11,692		11,692		11,692						11,692
32	AIR TRAFFIC CONTROL		8,261		8,261		8,261						8,261
33	INDUSTRIAL FACILITIES		7,322		7,322		7,322						7,322
34	LAUNCHER, 2.75 ROCKET												
35	CLOSED ACCOUNT ADJUSTMENT												
	TOTAL AIRCRAFT PROCUREMENT ARMY		1,110,436		1,506,537		1,249,539		256,998		227,915		1,338,351

Air reconnaissance low transfers

The budget request contained $70.7 million for further support of the airborne reconnaissance low (ARL) program supporting counter-drug activities.

The House bill would transfer the procurement portion of the request ($42.1 million) to the Army's aircraft procurement account. The House bill would transfer the development portion ($7.8 million) to the Army's research, development, test and evaluation account.

The Senate amendment would not transfer funding as recommended by the House bill. The Senate amendment, however, would add $14.0 million of operation and maintenance (O&M) funding to the counter-drug activities.

The conferees agree to: (1) transfer the counter-drug procurement and development funds to the Army; and, (2) add $14.0 million of O&M funds for counter-drug activities.

As described elsewhere in this statement of managers, the conferees have directed the Department of Defense to establish a tactical reconnaissance office. The conferees expect the Army ARL procurement and development efforts to be managed by this new office.

MISSILE PROCUREMENT, ARMY

Overview

The budget request for fiscal year 1994 contained an authorization of $1,043.6 million for Missile Procurement, Army. The House bill would authorize $1,084.3 million. The Senate amendment would authorize $1,083.8 million. The conferees recommend authorization of $1,081.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	MISSILE PROCUREMENT, ARMY												
1	CHAPARRAL SYSTEM SUMMARY												
2	HAWK SYSTEM SUMMARY		2,762		2,762		2,762						2,762
3	OTHER MISSILE SUPPORT												
4	PATRIOT SYSTEM SUMMARY (MYP)		40,611		40,611		40,611						40,611
5	STINGER SYSTEM SUMMARY		8,356		8,356		8,356						8,356
6	AVENGER SYSTEM SUMMARY	144	135,231	144	126,831	144	135,231		-8,400		-8,400	144	126,831
7	AVENGER ADVANCE PROCUREMENT (CY)												
	AVENGER COMPLEMENTARY MISSILE				9,000				9,000				
8	HELLFIRE SYS SUMMARY	1,785	92,535	1,785	85,635	1,785	92,535		-6,900		-13,900	1,785	78,635
9	JAVELIN (AAWS-M) SYSTEM SUMMARY	1,000	207,268	1,000	202,468	1,000	207,268		-4,800			1,000	207,268
10	JAVELIN ADVANCE PROCUREMENT (CY)												
11	TOW 2 SYSTEM SUMMARY		25,282	2,000	75,282		65,282	2,000	10,000		45,000		70,282
12	MLRS SYSTEM SUMMARY		9,801	12,000	74,106		69,801	12,000	4,305	12,000	64,305	12,000	74,106
13	MLRS LAUNCHER	34	216,616	34	199,816	34	178,916		20,900		-20,000	34	196,616
14	MLRS ADVANCE PROCUREMENT (CY)												
15	ARMY TACTICAL MSL SYS (ATACMS) -SYS SU	255	152,559	255	145,559	255	152,559		-7,000		-7,000	255	145,559
16	ATACMS ADVANCE PROCUREMENT (CY)												
17	CONTRACT ADMINISTRATION/AUDIT MPA		22,040								-22,040		
	MODIFICATION OF MISSILES												
18	PATRIOT MODS		18,526		18,526		18,526						18,526
19	HAWK MODS												
20	AVENGER MODS		9,318		9,318		9,318						9,318
21	TOW MODS		7,250		7,250		7,250						7,250
22	MLRS MODS		23,197		23,197		23,197						23,197
23	MODIFICATIONS LESS THAN $2.0M		1,901		1,901		1,901						1,901
24	TRACTOR RIG												
25	MPA SPARES AND REPAIR PARTS		50,610		34,010		50,610		-16,600				50,610
26	AIR DEFENSE TARGETS		14,967		14,967		14,967						14,967
27	ITEMS LESS THAN $2.0M (MISSILES)		962		962		962						962
28	PRODUCTION BASE SUPPORT		3,758		3,758		3,758						3,758
29	CLOSED ACCOUNT ADJUSTMENTS												
	TOTAL MISSILE PROCUREMENT ARMY		1,043,550		1,084,315		1,083,810		505		37,965		1,081,515

WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Overview

The budget request for fiscal year 1994 contained an authorization of $874.3 million for Weapons and Tracked Combat Vehicles, Army. The House bill would authorize $877.0 million. The Senate amendment would authorize $1,009.7 million. The conferees recommend authorization of $866.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	PROCUREMENT OF W&TCV, ARMY												
	TRACKED COMBAT VEHICLES												
1	ABRAMS TRNG DEV MOD		984		984		984						984
2	BRADLEY FIGHTING VEHICLE FAMILY (MYP)		66,100		66,100		66,100						66,100
3	BRADLEY BASE SUSTAINMENT PROGRAM		192,437		192,437		142,437		50,000				192,437
4	BRADLEY FVS TRAINING DEVICES (MOD)		1,920		1,920		1,920						1,920
5	FIELD ARTILLERY AMMUNITION SUPPORT VEH												
6	ABRAMS TANK TRAINING DEVICES		24,585		24,585		24,585						24,585
7	ARMORED GUN SYSTEM (AGS)		8,218		8,218				8,218				8,218
7a	AGS PRIOR YEAR SAVINGS						-4,700		4,700				
8	AGS ADVANCE PROCUREMENT (CY)		7,780		7,780		7,780				-7,780		
9	M1 ABRAMS TANK SERIES (MYP)		26,067		26,067		48,067		-22,000				26,067
	MODIFICATION OF TRACKED COMBAT VEHICLES												
10	CARRIER, MOD		5,465		5,465		77,465		-72,000		12,000		17,465
11	BFVS SERIES (MOD)		29,894		29,894		29,894						29,894
12	HOWITZER, MED SP FT 155MM M109A6 (MO		171,526		171,526		171,526						171,526
13	HOWITZER, MED SP FT 155MM M109A5 (MO		15,485		15,485		15,485						15,485
14	FAASV PIP TO FLEET		16,085		16,085		16,085						16,085
15	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)		6,862		6,862		6,862						6,862
16	M1 ABRAMS TANK (MOD)		53,898		62,598		53,898		8,700		8,700		62,598
17	ABRAMS UPGRADE PROGRAM		79,701		96,701		167,701		-71,000		17,000		96,701
18	ABRAMS ADVANCE PROCUREMENT (CY)						17,000		-17,000				
	M88A1E1 RECOVERY VEHICLE												
19	MODIFICATIONS LESS THAN $2.0M (TCV-WTC		520		520		520						520
	SUPPORT EQUIPMENT AND FACILITIES												
20	WTCV SPARES AND REPAIR PARTS		34,137		17,337		34,137		-16,800		-16,800		17,337
21	ITEMS LESS THAN $2.0M (TCV-WTCV)		207		207		207						207
22	PRODUCTION BASE SUPPORT (TCV-WTCV)		23,544		23,544		23,544						23,544
23	REGIONAL MAINTENANCE TRAIN SITES-EQUIP		2,061		2,061		2,061						2,061
24	CONTRACT ADMINISTRATION/AUDIT WTCV		15,749								-15,749		
	WEAPONS AND OTHER COMBAT VEHICLES												
25	HOWITZER, LIGHT, TOWED, 105MM, M119		4,290		4,290		4,290						4,290
26	MACHINE GUN, 5.56MM (SAW)	5,854	12,532	5,854	12,532	5,854	12,532					5,854	12,532
27	GRENADE LAUNCHER, AUTO, 40MM, MK19-3	800	20,677	800	20,677	1,800	35,677	-1,000	-15,000	1,000	15,000	1,800	35,677

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
28	LAUNCHER, SMOKE GRENADE												
29	MORTAR, 120MM	226	16,948	226	16,948	226	16,948					226	16,948
30	M16 RIFLE												
31	5.56 CARBINE M4	22,985	11,260	22,985	11,260	22,985	11,260					22,985	11,260
32	PERSONAL DEFENSE WEAPON, 9MM		1,025	38,000	10,525		1,025	38,000	9,500				1,025
33	PDW 9MM SUB COMPACT												
34	SQUAD AUTOMATIC WEAPON (MOD)		4,942		4,942		4,942						4,942
35	M16 RIFLE MODS		2,024		2,024		2,024						2,024
36	MODS LESS THAN $2.0M (WOCV-WTCV)		2,961		2,961		2,961						2,961
37	WTCV SPARES AND REPAIR PARTS		997		997		997						997
38	ITEMS LESS THAN $2.0M (WOCV-WTCV)		1,969		1,969		1,969						1,969
39	PRODUCTION BASE SUPPORT (WOCV-WTCV)		5,610		5,610		5,610						5,610
40	INDUSTRIAL PREPAREDNESS		5,886		5,886		5,886						5,886
	BUDGETING FOR CLOSED ACCOUNTS												
	TOTAL W&TCV		874,346		876,997		1,009,679		-132,682		12,371		886,717

Mark-19 grenade launcher

The budget request included $20.7 million to procure 800 Mark-19 grenade launchers and 3,000 mounts.

The House bill would add $9.6 million in the National Guard and Reserve equipment procurement account for 700 additional grenade launchers.

The Senate amendment would add $15.0 million to procure an additional 1,000 grenade launchers. The Senate report (S. Rept. 103–112) expressed concern about the Army plans for combat, combat support, and combat service support units. The report expressed the belief that the Army should ensure that both active and Reserve components are adequately equipped with the Mark-19 40mm grenade launchers.

The House recedes.

The conferees expect the Army to include funding in the fiscal year 1995 budget request to continue procurement of Mark-19 grenade launchers for the active components as well as the National Guard and Army Reserve.

AMMUNITION, ARMY

Overview

The budget request for fiscal year 1994 contained an authorization of $734.4 million for Ammunition, Army. The House bill would authorize $665.5 million. The Senate amendment would authorize $621.0 million. The conferees recommend authorization of $619.7 million as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	PROCUREMENT OF AMMUNITION, ARMY												
1	NUCLEAR WEAPONS SUPPORT MATERIEL												
	SMALL/MEDIUM CAL AMMUNITION												
2	CTG, 5.56MM, ALL TYPES		21,776		21,776		21,776						21,776
3	CTG, 7.62MM, ALL TYPES		20,523		20,523		11,223		9,300		-4,650		15,873
4	CTG, 9MM, ALL TYPES		2,521		2,521		2,521						2,521
5	CTG, .45 CAL, ALL TYPES		401		401		101		300		-300		101
6	CTG, .50 CAL, ALL TYPES		32,423		32,423		31,623		800		-807		31,616
7	CTG, 20MM, ALL TYPES												
8	CTG, 25MM, ALL TYPES		30,535		5,535		5,535				-25,000		5,535
9	CTG, 30MM, ALL TYPES		938		938		938						938
10	CTG, 40MM, ALL TYPES												
	MORTAR AMMUNITION												
11	CTG MORTAR 60MM 1/10 PRAC M840	1	302	1	302	1	302					1	302
12	CTG MORTAR 120MM HE XM934 W/MO FUZE												
13	CTG MORTAR 120MM HE XM933 W/PD FUZE												
14	CTG MORTAR 120MM SMOKE XM929 W/MO FUZE		4,784		4,784		4,784						4,784
	TANK AMMUNITION												
15	CTG TANK 35MM SUBCAL PRAC M968	12	738	12	738	12	738					12	738
16	CTG TANK 105MM TP-T M490A1												
17	CTG TANK 105MM TPDS-T M724A1												
18	CTG TANK 105MM APFSDS-T M900A1												
19	CTG TANK 120MM APFSDS-T, M829A1/A2	24	86,139	24	86,139	24	86,139					24	86,139
20	CTG TANK 120MM, HEAT/MP, ALL TYPES M83	18	50,046	18	50,046	18	50,046					18	50,046
21	CTG TANK 120MM TP-T M831	58	29,112	58	29,112	58	29,112					58	29,112
22	CTG TANK 120MM TPCSDS-T M865	118	54,521	118	54,521	118	54,521					118	54,521
	ARTILLERY AMMUNITION												
23	CTG ARTY 105MM HERA M913												
24	PROJ ARTY 155MM BASEBURNER M864												
25	PROJ ARTY 155MM SADARM XM898	1,213	77,661		42,500				42,500	-1,213	-77,661		
	PROJ ARTY 155MM M804												
26	PROJ ARTY 155MM HE M107												
27	PROP CHG 155MM RED BAG M203A1												
28	PROP CHG 8 IN GREEN BAG M1												

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	ARTILLERY FUZES												
29	FUZE ARTY ELEC TIME M762												
	MINES												
30	MINE, TRAINING, ALL TYPES		2,466		2,466		2,466						2,466
31	MINE AT/AP M87 (VOLCANO)												
	ROCKETS												
32	ROCKET, LAW, ALL TYPES												
33	ROCKET, HYDRA 70, ALL TYPES		54,639		54,639		54,639						54,639
	OTHER AMMUNITION												
34	PRIMER PERCUSSION M82												
35	DEMOLITION MUNITIONS, ALL TYPES		4,627		4,627		4,627						4,627
36	GRENADES, ALL TYPES		12,177		12,177		12,177						12,177
37	SIGNALS, ALL TYPES		2,198		2,198		2,198						2,198
38	SIMULATORS, ALL TYPES		7,358		7,358		7,358						7,358
	MISCELLANEOUS												
39	AMMO COMPONENTS, ALL TYPES		8,146		8,146		8,146						8,146
40	CAD/PAD ALL TYPES		9,293		9,293		9,293						9,293
41	ITEMS LESS THAN $2 MILLION		1,110		1,110		793		317		-317		793
42	EOD EXPLOSIVE ITEMS		1,312		1,312		1,312						1,312
43	AMMUNITION PECULIAR EQUIPMENT		4,990		4,990		4,990						4,990
	AT-4 UPGRADE												
44	FIRST DESTINATION TRANSPORTATION (AMMO		6,482		6,482		6,482						6,482
45	NITROGUANIDINE												
	PRODUCTION BASE SUPPORT												
46	PROVISION OF INDUSTRIAL FACILITIES		40,221		40,221		40,221						40,221
47	COMPONENTS FOR PROVE-OUT		966		966		966						966
48	LAYAWAY OF INDUSTRIAL FACILITIES		51,532		47,832		51,532		-3,700		-3,524		48,008
49	PROVING GROUND MODERNIZATION		1,350		1,350		1,350						1,350
50	MAINTENANCE OF INACTIVE FACILITIES		59,801		54,701		59,801		-5,100		-2,500		57,301
51	CONVENTIONAL AMMO DEMILITARIZATION		53,339		53,339		53,339						53,339
52	ARMS INITIATIVE												
999	CLASSIFIED PROGRAMS												
	BUDGETING FOR CLOSED ACCOUNTS												
	GENERAL REDUCTION-CAWCF												
	TRANSFER FROM CAWCF												
	TOTAL AMMUNITION		734,427		665,466		621,049		44,417		-114,759		619,668

Volcano mine system

The House report (H. Rept. 103-200) directed initiation of low rate initial production in fiscal year 1994 of the M87A1 Volcano mine system using $30.0 million authorized and appropriated for Volcano in fiscal year 1993.

The Senate report (S. Rept. 103-112) contained no similar directive.

The conferees agree with the directive contained in the House report.

Small arms industrial base

The Senate report (S. Rept. 103-112) directed the establishment of a blue ribbon panel to develop a plan for preserving the critical elements of the small arms industrial base.

The House report (H. Rept. 103-200) contained no similar directive.

The conferees endorse the concerns and direction in the Senate report.

The conferees are also concerned about the preservation of the nation's munitions industrial base. For that reason, the conferees are pleased that the Department of Defense is already taking steps to address this issue by establishing a working group of Department of Defense and industry personnel. The conferees anticipate that the group will develop policy and budgetary recommendations for meeting current procurement requirements, preserving surge capability, minimizing peacetime operating costs, and retaining the technical and engineering expertise necessary for future munitions development, production, and support. The recommendations should consider a full range of options, including but not limited to, conversion and reconstitution, international sales, removal of antitrust impediments, and the allocation of both research and production funding between public and private elements of the Base. Accordingly, the conferees direct the working group to submit its recommendations to the congressional defense committees at the same time it submits the small arms industrial base blue ribbon panel report.

Other Procurement, Army

Overview

The budget request for fiscal year 1994 contained an authorization of $3,051.3 million for Other Procurement, Army. The House bill would authorize $2,946.4 million. The Senate amendment would authorize $2,864.6 million. The conferees recommend authorization of $2,992.1 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	OTHER PROCUREMENT, ARMY												
	TACTICAL AND SUPPORT VEHICLES												
1	TACTICAL TRAILERS/DOLLY SETS		4,138		4,138		4,138						4,138
2	SEMITRAILER, TANK, 5000G												
3	SEMITRAILER VAN CGO SUPPLY 12T 4WHL M1	39	1,562	39	1,562	39	1,562					39	1,562
4	HI MOB MULTI-PURP WHLD VEH (HMMWV) (MY	5,847	242,737	5,847	242,737	5,847	242,737					5,847	242,737
5	FAMILY OF MEDIUM TACTICAL VEH (MYP)	256	25,815	256	25,815	256	25,815					256	25,815
6	HEAVY EQUIPMENT TRANSPORTER SYS												
7	TRUCK, 10T, 8X8, ABT												
8	FAMILY OF HEAVY TACTICAL VEHICLES (MYP	945	464,258	945	464,258	945	350,958		113,300		-6,000	945	458,258
9	MEDIUM TRUCK EXTENDED SVC PGM (ESP)		17,615		17,615		17,615						17,615
10	MODIFICATION OF IN SVC EQUIP		21,826		12,026		21,826		-9,800		18,000		39,826
11	ITEMS LESS THAN $2.0M (TAC VEH)		94		94		94						94
12	PASSENGER CARRYING VEHICLES	16	951	16	951	16	951					16	951
13	GENERAL PURPOSE VEHICLES		951		951		951						951
14	SPECIAL PURPOSE VEHICLES		951		951		951						951
15	SYSTEM FIELDING SUPPORT PEO		6,572		6,572		6,572						6,572
16	PROJECT MANAGEMENT SUPPORT		1,588		1,588		1,588						1,588
17	SYSTEM FIELDING SUPPORT (TACOM)		1,304		1,304		1,304						1,304
18	DRUG INTERDICTION PROGRAM												
19	OPA SPARES AND REPAIR PARTS		10,046		9,346		10,046		-700		-4,500		5,546
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT												
20	JCSE EQUIPMENT (USREDCOM)		1,008		1,008		1,008						1,008
21	DEFENSE SATELLITE COMMUNICATIONS SYSTE		85,088		85,088		85,088						85,088
22	SAT TERM, ADVANCED MPK UHF	195	7,940	195	7,940	195	7,940					195	7,940
23	GMF CONTROL												
24	NAVSTAR GLOBAL POSITIONING SYSTEM	7,107	42,428	7,107	42,428	7,107	42,428					7,107	42,428
25	MILSTAR EDM TERMINAL												
26	GROUND COMMAND POST		12,158		10,158		12,158		-2,000				12,158
27	MOD OF IN-SVC EQUIP (TAC SAT)		9,873		9,873		9,873						9,873
28	COMMAND CENTER IMPROVEMENT PROG (CCIP)		3,103		3,103		3,103						3,103
29	SECURE CONFERENCING PROJECT												
30	STD THEATER CMD & CONTROL SYS (STACCS)		5,744		5,744		5,744						5,744
31	WWMCCS INFORMATION SYSTEM (WIS)		7,501		7,501		7,501						7,501

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
32	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		21,978		36,978		21,978		15,000		15,000		36,978
33	MOBILE SUBSCRIBER EQUIP (MSE)		45,787		45,787		45,787						45,787
34	SINCGARS FAMILY		352,465		352,465		352,465						352,465
35	SW ASIA COMM INFRASTRUCTURE		1,485		1,485		1,485						1,485
36	EAC COMMUNICATIONS		10,229		9,029		45,429		-36,400		35,200		45,429
37	MOD OF IN-SVC EQUIP (EAC COMM)		18,997		18,997		18,997						18,997
38	C-E CONTINGENCY/FIELDING EQUIP		10,243		10,243		10,243						10,243
	COMMON HARDWARE AND SOFTWARE												
39	TSEC - ARMY KEY MGT SYS (AKMS)												
40	TSEC - INFORMATION SYSTEM SECURITY		59,654		59,654		59,654						59,654
41	TSEC - TEMPEST (COMSEC)												
42	TSEC - TRUNK ENCRYPTION DEVICES (TED)												
43	TSEC/KG-84, DED LOOP ENCRYP DEV												
44	TSEC/KY-99, MINTERM												
45	TSEC - SEC VOICE IMPRV PROG (COMSEC)												
46	TSEC - ITEMS LESS THAN $2.0M (COMSEC)												
	COMM - LONG HAUL COMMUNICATIONS												
47	TERRESTRIAL TRANSMISSION		1,377		1,377		1,377						1,377
48	C-E FACILITIES/PROJECTS		1,442		1,442		1,442						1,442
49	DEFENSE DATA NETWORK (DDN)		5,930		5,930		5,930						5,930
50	ELECTROMAG COMP PROG (EMCP)		486		486		486						486
51	WW TECH CON IMP PROG (WWTCIP)		1,310		1,310		1,310						1,310
52	INFORMATION SYSTEMS		26,268		26,268		26,268						26,268
53	DEFENSE MESSAGE SYSTEM (DMS)		8,293		8,293		8,293						8,293
54	LOCAL AREA NETWORK (LAN)		17,467		10,567		17,467		-6,900				17,467
55	PENTAGON TELECOM CTR (PTC)		3,499		3,499		3,499						3,499
56	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		287		287		287						287
57	GENERAL DEFENSE INTELL PROG (TIARA)		40,077		37,577		28,777		8,800		-6,486		33,591
58	ITEMS LESS THAN $2.0M (INTEL SPT)		3,087		3,087		3,087						3,087
59	ALL SOURCE ANALYSIS SYS (ASAS)		29,578		12,578		29,578		-17,000		-12,578		17,000
60	COMMANDERS TACTICAL TERM (CTT)	9	6,497	9	6,497	9	6,497					9	6,497
61	HF COMINT SYSTEM (TIARA)	1	19,817	1	19,817	1	19,817					1	19,817
62	IMAGERY PROCESSING SYSTEM (IPS)		1,927		1,927		1,927						1,927
63	JOINT STARS (ARMY) (TIARA)		57,917		57,917		57,917						57,917

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
64	DIGITAL TOPOGRAPHIC SPT SYS (DTSS)		14,179		9,179		14,179		-5,000		-1,900		12,279
65	DRUG INTERDICTION PROGRAM (DIP)												
66	TACT ELEC SURV SYS (TESS) (TIARA)		7,229		7,229		7,229						7,229
67	TROJAN (TIARA)		8,815		8,815		8,815						8,815
68	MOD OF IN-SVC EQUIP (INTELL SPT)		15,824		15,824		15,824						15,824
69	ITEMS LESS THAN $2.0M (TIARA)												
70	CLOSE COMBAT DECOYS		1,156		1,156		1,156						1,156
71	MOD OF IN-SVC EQUIP (EW)		8,007		8,007		8,007						8,007
72	LESS THAN $2.0M (EW) CMP GEN		1,211		1,211		1,211						1,211
73	LT SPEC DIV INTERIM SENSOR (LSDIS)		1,914		1,914		1,914						1,914
74	NIGHT VISION DEVICES		91,414		91,414		91,414						91,414
75	PHYSICAL SECURITY SYSTEMS		11,141		11,141		11,141						11,141
76	ARTILLERY ACCURACY EQUIP		16,396		16,396		16,396						16,396
77	MOD OF IN-SVC EQUIP (TAC SURV)		37,792		37,792		37,792						37,792
78	INTEGRATED MET SYS SENSORS (IMETS)		6,452		6,452		6,452						6,452
79	ADV FIELD ARTILLERY TACT DATA (AFATDS)	533	24,892	533	24,892	533	24,892					533	24,892
80	FIRE SUPPORT ADA CONVERSION	300	22,536	300	22,536	300	22,536					300	22,536
81	INTERIM FIRE SPT AUTOMATIC SYSTEM	397	11,487	397	11,487	397	11,487					397	11,487
82	CMBT SVC SUPT CONTROL SYS (CSSCS)	108	12,833	108	12,833	108	12,833				-12,833	108	
83	CORPS/THEATER ADP SVC CTR (CTASC)		6,788		6,788		6,788						6,788
84	FAAD C2		10,800		10,800		10,800						10,800
84A	FAAD-GBS				7,900				7,900		7,900		7,900
85	FORWARD ENTRY DEVICE (FED)		23,157		23,157		23,157						23,157
86	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		1,810		1,810		1,810						1,810
87	LOGTECH		4,790		4,790		4,790						4,790
88	ISYSCON EQUIPMENT		958		958		958						958
89	MANEUVER CONTROL SYSTEM (MCS)												
90	STAMIS TACTICAL COMPUTERS (STACOMP)		43,479		43,479		43,479						43,479
91	AUTOMATED DATA PROCESSING EQUIP		62,784		62,784		62,784						62,784
92	IPC/DP INSTALLATION CONSOLIDATION												
93	RESERVE COMPONENT AUTOMATION SYS (RCAS		162,398		162,398		162,398						162,398
94	AFRTS		4,386		4,386		4,386						4,386
95	ITEMS LESS THAN $2.0M (A/V)		5,222		5,222		5,222						5,222
96	CALIBRATION SETS EQUIPMENT		14,682		14,682		14,682						14,682

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
97	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		47,956		47,956		47,956						47,956
98	SIMP TEST EQUIP - INTERNAL COMBUST ENG												
99	TMDE MODERNIZATION (TMOD)		15,276		15,276		15,276						15,276
100	INITIAL SPARES - PEO CCS		20,050		13,650		20,050		-6,400		-5,050		15,000
101	INITIAL SPARES - PEO COMM		44,577		39,577		44,577		-5,000		-2,577		42,000
102	INITIAL SPARES - PEO IEW		18,419		18,419		18,419						18,419
103	INITIAL SPARES - PEO STAMIS		2,151		2,151		2,151						2,151
104	INITIAL SPARES - NON PEO		13,560		11,460		13,560		-2,100				13,560
105	ARMY PRINTING AND BINDING EQUIPMENT		5,914		5,914		5,914						5,914
106	INSTALLATION C4 UPGRADE (ICU)		4,001		4,001		4,001						4,001
107	PECIP AND QRIP												
108	PRODUCTION BASE SUPPORT (C-E)		765		765		765						765
109	SPECIAL PROGRAMS												
110	CONTRACT ADMINISTRATION/AUDIT-OPA		69,219								-69,219		
	OTHER SUPPORT EQUIPMENT												
111	SIMP COLL PROT EQUIP M20	134	1,527	134	1,527	134	1,527					134	1,527
112	COLL PROT EQUIP, NBC TEMPER, TENT M2		4,366		4,366		4,366						4,366
113	MASK, PROTECTIVE, NBC M40/M42		43,795		43,795		34,495		9,300		-9,300		34,495
114	MASK, ACFT												
115	REMOTE SENSING CHEMICAL AGENT ALARM XM												
116	IMPROVED CHEMICAL AGENT MONITOR		1,926		1,926				1,926				1,926
117	RECONNAISSANCE SYS, FOX NBC (NBCRS) XM												
118	DECONTAMINATE APP PWR DR LT WT M17	515	7,228	515	7,228	515	7,228					515	7,228
119	RADIATION MONITORING SYSTEM (OPA-3)		8,291		8,291		8,291						8,291
120	TOWED ASSAULT BRIDGE												
121	DISPENSER, MINE M139	166	15,933	166	15,933	166	15,933					166	15,933
122	DETECTING SET, MINE, AN/PSS-12	4,104	5,555	4,104	5,555	4,104	5,555					4,104	5,555
123	VEHICLE MAGNETIC SIGNATURE DUP												
124	INT SURVEY EQ (AISI)												
125	AIR CONDITIONERS VARIOUS SIZE/CAPACITY		9,317		9,317		9,317						9,317
126	STANDARD INTEGRATED CMD POST SYSTEM		34,475		34,475		34,475						34,475
127	FIRETRUCKS												
128	LAUNDRY UNIT/TRL MTD												
129	TOOL OUTFIT, PIONEER, PORTABLE SET												

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
130	SOLDIER ENHANCEMENT		11,529		11,529		11,529						11,529
131	ITEMS LESS THAN $2.0M (CSS-EQ)		2,092		2,092		2,092						2,092
	XM56 SMOKE GENERATOR SYSTEM												
132	TANK ASSY, FAB COLLAPS, 20,000 GAL POL	458	2,256	458	2,256	458	2,256					458	2,256
133	FUEL SYSTEM SUPPLY POINT, 60000 GALLON												
134	PUMP ASSY LIQ GAS WHL 4 IN OUT 350 GPM	97	1,222	97	1,222	97	1,222					97	1,222
135	INLAND PETROLEUM DISTRIBUTION SYSTEM		3,772		3,772		3,772						3,772
136	FORWARD AREA REFUELING SYS ADV AVIAT												
137	HEMTT AVIATION REFUELING SYSTEM												
138	ITEMS LESS THAN $2.0M (POL)		6,409		6,409		6,409						6,409
139	WATER PURIF UNIT REV OS 3000 GPH												
140	FWD AREA WTR POINT SUP SYSTEM												
141	TANK FABRIC COLL WTR 3000 GAL (ONION)												
142	WATER QUALITY ANALYSIS SET PURIF												
143	ITEMS LESS THAN $2.0M (WATER EQ)		3,947		3,947		3,947						3,947
144	COMBAT SUPPORT MEDICAL		19,551		19,551		19,551						19,551
145	MEDICAL SUPPORT EQUIPMENT												
146	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL M												
147	ITEMS LESS THAN $2.0M (MAINT EQ)		7,053		7,053		7,053						7,053
148	COMPACTOR HI-SPEED TAMP SELF PROP (CCE	109	13,383	109	13,383	109	13,383					109	13,383
149	CRUSHING/SCREENING PLANT, 150 TPH												
150	ITEMS LESS THAN $2.0M (CONST EQUIP)		3,851		3,851		3,851						3,851
151	LOGISTIC SUPPORT VESSEL (LSV)												
152	CAUSEWAY SYSTEMS												
153	RAILWAY CAR, FLAT, 100 TON	80	7,876	80	7,876	80	7,876					80	7,876
154	ITEMS LESS THAN $2.0M (FLOAT/RAIL)		2,870		2,870		2,870						2,870
155	GENERATORS AND ASSOCIATED EQUIP		35,685		35,685		35,685						35,685
156	FRONT/SIDE LOADER FORKLIFT, CBD, PT												
157	ITEMS LESS THAN $2.0M (MHE)		5,919		5,919		5,919						5,919
158	COMBAT TRAINING CENTERS SUPPORT		12,975		12,975		12,975						12,975
159	TRAINING DEVICES, NONSYSTEM		79,650		79,650		79,650						79,650
160	SYSTEM FIELDING SUPPORT (OPA-3)		15,168		15,168		15,168						15,168
161	OPA SPARES AND REPAIR PARTS		7,182		7,182		7,182						7,182
162	BASE LEVEL COM'L EQUIPMENT		13,603		13,603		13,603						13,603

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
163	PROD ENHANCING CAPITAL INVEST PROG												
164	QUICK RETURN ON INVESTMENT PROGRAM												
165	ARMS CONTROL COMPLIANCE		10,471		10,471		5,610		4,861		-4,861		5,610
166	COMBINED DEFENSE IMPROVE PROJECT (CDIP		2,711		2,711		2,711						2,711
167	MODIFICATION OF IN-SVC EQUIPMENT (OPA-		41,072		41,072		41,072						41,072
168	OSD PRODUCTIVITY INVESTMENT FUNDING												
169	PRODUCTION BASE SUPPORT (OTH)		1,908		1,908		1,908						1,908
170	INDUSTRIAL MODERNIZATION INCENTIVE PRO		4,017		4,017		4,017						4,017
171	SPECIAL EQUIPMENT FOR USER TESTING		4,928		4,928		4,928						4,928
172	TRACTOR ACE												
173	OPERATIONAL PROJECT STOCKS												
174	NATURAL GAS UTILIZATION												
175	CLOSED ACCOUNT ADJUSTMENTS												
	RAISE O&M PURCHASE THRESHOLD						-12,000		12,000				
	BUDGETING FOR CLOSED ACCOUNTS												
	TOTAL OTHER PROCUREMENT ARMY		3,051,281		2,946,362		2,864,575		81,787		-59,204		2,992,077

Amored high mobility multipurpose wheeled vehicle (HMMWV)

The budget request included $242.7 million for production of the high mobility multipurpose wheeled vehicle (HMMWV) and $21.8 million for modifications of in-service equipment.

The House bill and the Senate amendment would fully fund the HMMWV request.

Protecting U.S. forces that are deployed as peacekeepers is a clear requirement. Recent events in Somalia and a potential deployment of U.S. forces to the former Yugoslavia increase the urgency of this requirement. The conferees understand that the Army intends to add armor to selected HMMWVs to provide limited protection to their crews from small arms fire, shrapnel, and mines.

Because this requirement became apparent after the authorization bills were passed by the two houses of Congress, neither bill would approve funds for this requirement. The conferees agree to authorize an additional $18.0 million for the modification of in-service equipment to provide expeditiously increased armor protection for approximately 196 HMMWVs.

The conferees direct the Army not to modify more than 196 vehicles with armor protection. The conferees understand that the Army is examining additional requirements that could reach several hundred more armor-protected HMMWVs. The Conferees are not convinced that buying more armor-protected HMMWVs is a good long-term solution. For example, the conferees are aware that the Army has recently developed a requirement for a new armored vehicle for military police units, the armored security vehicle (ARSV). These two candidates may be competing for the same mission.

The conferees will consider an Army request to expand the program beyond 196 vehicles, but only after the Army provides more information. Such a request must: (1) justify the intended distribution of armored HMMWVs; (2) report the testing results that indicate the levels of protection from small arms fire, shrapnel, and mines; (3) describe the effect of the modification and added weight on HMMWV performance and reliability; (4) present detailed costs for the proposed modification program; and (5) present similar information for the ARSV alternative.

Digital topographic support system

The budget request included $14.2 million for the digital topographic support system (DTSS). Out of this amount, $1.9 million would fund internal support costs required for procurement of DTSS hardware under a new competitive contract that is to be awarded in fiscal year 1994. This contract is for full rate production of DTSS following a successful low rate initial production (LRIP). Due to the reduced DTSS acquisition objective and the savings attributed from not recompeting the contract, the conferees direct the Army to continue, on a sole source basis, with the LRIP contractor. Therefore, the conferees recommend a $1.9 million reduction in the other procurement, Army account.

AIRCRAFT PROCUREMENT, NAVY

Overview

The budget request for fiscal year 1994 contained an authorization of $6,132.6 million for Aircraft Procurement, Navy. The House bill would authorize $5,759.8 million. The Senate amendment would authorize $5,755.2 million. The conferees recommend authorization of $5,793.2 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	AIRCRAFT PROCUREMENT, NAVY												
1	EA-6B/REMFG (ELECTRONIC WARFARE) PROWL		77,586		77,586		77,586						77,586
2	EA-6B ADVANCE PROCUREMENT (CY)												
3	AV-8B (V/STOL) HARRIER	4	129,601	2	80,000	4	129,601	-2	-49,601			4	129,601
4	AV-8B ADVANCE PROCUREMENT (CY)		15,000		15,000		15,000						15,000
5	F-14A/D (FIGHTER) TOMCAT												
6	F/A-18C/D (FIGHTER) HORNET (MYP)	36	1,492,734	36	1,492,734	36	1,492,734					36	1,492,734
7	F/A-18 ADVANCE PROCUREMENT (CY)		252,569		113,229				113,229		-139,340		113,229
8	CH/MH-53E (HELICOPTER) SUPER STALLION	12	281,884	12	280,567	12	281,884		-1,317			12	281,884
9	CH/MH-53 ADVANCE PROCUREMENT (CY)		15,000		15,000		15,000						15,000
10	AH-1W (HELICOPTER) SEA COBRA	12	143,274	12	127,174	12	143,274		-16,100			12	143,274
11	SH-60B (ASW HELICOPTER) SEAHAWK	7	189,276	7	189,276	7	189,276					7	189,276
12	SH-60B ADVANCE PROCUREMENT (CY)		27,150		57,150		27,150		30,000				27,150
13	SH-60F (CV ASW HELICOPTER)	8	149,839	8	149,839	8	149,839					8	149,839
14	SH-60F ADVANCE PROCUREMENT (CY)		36,633		36,633		36,633						36,633
15	E-2C (EARLY WARNING) HAWKEYE		27,881		27,881		27,881						27,881
16	C-20												
17	T-45TS (TRAINER) GOSHAWK	12	259,225	12	259,225	12	259,225					12	259,225
18	T-45 ADVANCE PROCUREMENT (CY)		30,756		30,756		30,756						30,756
19	HH-60H (HELICOPTER) CSAR	9	144,146	9	144,146	9	144,146					9	144,146
20	HH-60J (HELICOPTER) COAST GUARD												
	MODIFICATION OF AIRCRAFT												
21	A-4 SERIES												
22	A-6 SERIES		19,623		19,623		19,623						19,623
22a	A-6 PRIOR YEAR SAVINGS						-98,700		98,700				
23	EA-6 SERIES		21,858		21,858		21,858						21,858
24	AV-8 SERIES		22,797		22,797		22,797						22,797
25	F-14 SERIES		116,213		116,213		291,213		-175,000		48,787		165,000
26	ADVERSARY		197		197		197						197
27	ES-3 SERIES		10,690		10,690		10,690						10,690
28	OV-10 SERIES												
29	F/A-18 SERIES		48,833		48,833		48,833						48,833
30	H-46 SERIES		74,321		74,321		74,321						74,321
31	H-53 SERIES		37,202		37,202		37,202						37,202

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
32	SH-60 SERIES		46,064		46,064		46,064						46,064
33	VH-60 SERIES												
34	H-1 SERIES		74,944		74,944		74,944						74,944
35	H-2 SERIES												
36	H-3 SERIES		2,819		2,819		2,819						2,819
37	EP-3 SERIES		34,225		8,768		34,225		-25,457		-34,225		
38	P-3 SERIES		214,304		214,304		131,804		82,500		-96,000		118,304
39	S-3 SERIES		12,910		12,910		12,910						12,910
40	E-2 SERIES		124,003		124,003		124,003						124,003
41	TRAINER A/C SERIES		11,985		11,985		11,985						11,985
42	C-130 SERIES		13,631		13,631		13,631						13,631
43	FEWSG		26,506		26,506		26,506						26,506
44	CARGO/TRANSPORT A/C SERIES		15,010		15,010		15,010						15,010
45	E-6 SERIES		118,461		118,461		118,461						118,461
46	EXECUTIVE HELICOPTERS SERIES		52,293				52,293		-52,293				52,293
47	VARIOUS		94		94		94						94
48	POWER PLANT CHANGES		9,511		9,511		9,511						9,511
49	MISC FLIGHT SAFETY CHANGES		87		87		87						87
50	COMMON ECM EQUIPMENT		65,774		65,774		65,774						65,774
51	COMMON AVIONICS CHANGES		90,228		90,228		90,228						90,228
52	APN SPARES AND REPAIR PARTS		903,187		903,187		903,187						903,187
53	COMMON GROUND EQUIPMENT		452,815		452,815		452,815						452,815
54	AIRCRAFT INDUSTRIAL FACILITIES		37,939		37,939		37,939						37,939
55	WAR CONSUMABLES		18,148		18,148		18,148						18,148
56	OTHER PRODUCTION CHARGES		41,456		41,456		41,456						41,456
57	SPECIAL SUPPORT EQUIPMENT		18,542		18,542		18,542						18,542
58	FIRST DESTINATION TRANSPORTATION		4,711		4,711		4,711						4,711
59	CONTRACT ADMIN/AUDIT APN		118,669								-118,669		
60	CANCELLED ACCOUNT ADJUSTMENTS												
	TOTAL AIRCRAFT PROCUREMENT NAVY		6,132,604		5,759,827		5,755,166		4,661		-339,447		5,791,157

WEAPONS PROCUREMENT, NAVY

Overview

The budget request for fiscal year 1994 contained an authorization of $3,040.3 million for Weapons Procurement, Navy. The House bill would authorize $2,764.8 million. The Senate amendment would authorize $3,000.6 million. The conferees recommend authorization of $2,987.0 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	WEAPONS PROCUREMENT, NAVY												
1	TRIDENT I		7,603		7,603		7,603						7,603
2	TRIDENT II	24	983,345	24	983,345	24	983,345					24	983,345
3	TRIDENT II ADVANCE PROCUREMENT (CY)		145,251		145,251		170,000		-24,749				145,251
4	MISSILE INDUSTRIAL FACILITIES		2,165		2,165		2,165						2,165
5	TOMAHAWK	216	248,288	216	248,288	216	248,288					216	248,288
6	AMRAAM	44	59,118	44	59,118	44	59,118					44	59,118
7	HARPOON	75	98,369	75	98,369	75	98,369					75	98,369
8	HARM												
9	STANDARD MISSILE	220	215,028	220	215,028	220	215,028					220	215,028
10	RAM	240	58,476	180	43,876	240	58,476	-60	-14,600			240	58,476
11	HELLFIRE	1,931	83,874	1,931	83,874	1,931	83,874					1,931	83,874
12	PENGUIN												
13	TOW IIA												
14	AERIAL TARGETS		114,407		114,407		114,407						114,407
15	DRONES AND DECOYS (ITALD)				10,000				10,000		10,000		10,000
16	OTHER MISSILE SUPPORT		9,834		9,834		9,834						9,834
	MODIFICATION OF MISSILES												
17	TOMAHAWK MODS		15,446		15,446		15,446						15,446
18	SPARROW MODS		35,899		15,899		35,899		-20,000				35,899
19	SIDEWINDER MODS		18,228		18,228		18,228						18,228
20	PHOENIX MODS												
21	HARPOON MODS		2,793		2,793		2,793						2,793
22	HARM MODS		96,667		96,667		96,667						96,667
23	STANDARD MISSILES MODS		14,451		8,351		14,451		-6,100		-6,100		8,351
24	WEAPONS INDUSTRIAL FACILITIES		22,067				37,567		-37,567		15,500		37,567
25	FLEET SATELLITE COMMUNICATIONS (MYP)		159,784		159,784		159,784						159,784
26	CONTRACT ADMIN/AUDIT WPN		59,895								-59,895		
27	ORDNANCE SUPPORT EQUIPMENT		6,894		6,894		6,894						6,894
	TORPEDOES AND RELATED EQUIPMENT												
28	MK-48 ADCAP TORPEDO (MYP)	108	100,125			108	100,125	-108	-100,125			108	100,125
29	MK-48 ADVANCE PROCUREMENT (CY)												
30	MK-50 ALWT		21,419		21,419		21,419						21,419
30A	MK-50 ALWT ADV PROC CY				18,000				18,000				

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	TORPEDO INDUSTRIAL BASE												
31	ASW TARGETS		17,587		8,000		17,587		-9,587				17,587
32	ASROC												
33	VERTICAL LAUNCHED ASROC (VLA)	40	22,682	40	22,682	40	22,682					40	22,682
34	VLA ADVANCE PROCUREMENT (CY)												
35	MK-46 TORPEDO MODS		24,099				24,099		-24,099		-24,099		
	MK-46 HYBRID/SLEP										21,299		21,299
36	QUICKSTRIKE MINE		3,543		3,543		3,543						3,543
37	MK-60 CAPTOR MODS												
38	TORPEDO SUPPORT EQUIPMENT		37,627		24,180		37,627		-13,447				37,627
39	ASW RANGE SUPPORT		24,195		24,195		24,195						24,195
40	FIRST DESTINATION TRANSPORTATION		7,074		7,074		7,074						7,074
	OTHER WEAPONS												
41	MK-15 PHALANX CIWS												
42	MK-19 40MM MACHINE GUN												
43	MK-38 25MM GUN MOUNT												
44	SMALL ARMS AND WEAPONS		837		837		837						837
45	CIWS MODS		41,805				41,805		-41,805				41,805
46	5/54 GUN MOUNT MODS		6,033		6,033		6,033						6,033
47	MK-75 76MM GUN MOUNT MODS		2,760		2,760		2,760						2,760
48	MODS UNDER $2 MILLION		1,391		1,391		1,391						1,391
49	CANCELLED ACCOUNT ADJUSTMENTS												
	OTHER ORDNANCE												
	AIR LAUNCHED ORDNANCE												
50	GENERAL PURPOSE BOMBS		51,124		51,124		51,124						51,124
51	2.75 INCH ROCKETS		13,327		13,327		13,327						13,327
52	MACHINE GUN AMMUNITION		7,355		7,355		7,355						7,355
53	PRACTICE BOMBS		10,862		20,862		10,862		10,000		10,000		20,862
54	GATOR												
	SHIP ORDNANCE												
55	5 INCH/54 GUN AMMUNITION		55,161		55,161		55,161				-14,217		40,944
56	CIWS AMMUNITION		1,711				1,711		-1,711				1,711
57	76MM GUN AMMUNITION		15,583		15,583		15,583				-5,783		9,800
58	OTHER SHIP GUN AMMUNITION		16,862		16,862		16,862						16,862

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	SHIP GUN AMMUNITION REDUCTION						-20,000		20,000				
	OTHER ORDNANCE												
59	SMALL ARMS & LANDING PARTY AMMUNITION		11,468		11,468		11,468						11,468
60	PYROTECHNIC AND DEMOLITION		13,400		13,400		13,400						13,400
61	DEMILITARIZATION		6,712		6,712		6,712						6,712
62	WPN SPARES AND REPAIR PARTS		67,636		67,636		67,636						67,636
	TOTAL WEAPONS PROCUREMENT NAVY		3,040,260		2,764,824		3,000,614		-235,790		-53,295		2,986,965

Torpedoes

The budget request contained: $24.1 million for procurement of MK-46 torpedo modifications; $100.1 million for procurement of 108 MK-48 advanced capability (ADCAP) torpedoes; and $21.4 million to support production engineering efforts for the MK-50 advanced light weight torpedo (ALWT) program and to complete follow-on operational test and evaluation of corrections to problems identified in operational evaluation.

The House bill did not authorize any funds for MK-46 torpedo modifications or MK-48 ADCAP torpedo procurement. The House bill, however, would authorize $21.4 million to procure 24 MK-50 ALWT torpedoes in fiscal year 1994, and $18.0 million in advance procurement for torpedoes in fiscal year 1995.

The Senate amendment would authorize the requested amounts.

The House recedes.

The Navy has informed the conferees of a program to develop a hybrid MK-46 torpedo that would use components of the MK-48 ADCAP and MK-50 ALWT torpedoes. Such a hybrid torpedo could be better adapted to shallow water missions. The conferees believe that his program would help support the torpedo production industrial base and make better use of the large MK-46 torpedo inventory. The conferees direct the Secretary of the Navy to pursue this hybrid program and recommend a $21.3 million authorization for this purpose.

ASW targets

The budget request included $17.6 million for antisubmarine warfare (ASW) targets.

The House bill would authorize only $8.0 million for this program. The House report (H. Rept. 103-200) suggested that current ASW targets may not be appropriate for shallow water operations and are not compatible with MK-48 or MK-50 torpedoes. The House report also directed the Secretary of the Navy to include ASW targets appropriate for these requirements in future budget requests.

The Senate amendment would authorize the requested funds.

The conferees agree to authorize $17.6 million for fiscal year 1994, but direct the Secretary of the Navy not to obligate more than $8.0 million until the Secretary provides a plan to the congressional defense committees detailing how the current ASW target programs can be expanded to include supporting MK-48 and MK-50 torpedoes and shallow water ASW training operations.

Torpedo support equipment

The budget request included $37.6 million for torpedo support equipment.

The House bill would provide $24.2 million, a reduction linked to the House recommendations on overall torpedo production.

The Senate amendment would provide the requested amount.

The conferees agree to authorize $37.6 million for torpedo support equipment. The conferees also agree that the Navy should obligate no more than $24.2 million until the Secretary of the Navy provides a plan to the congressional defense committees detailing how the current torpedo support equipment programs can be expanded to include supporting:

The MK-50 torpedo;

The MK-46 service life extension program (SLEP);

The MK-46 hybrid SLEP program; and

The MK-48/ADCAP torpedo programs.

This plan should also describe how the Navy intends to restructure the support equipment program to reflect torpedo inventories that will be much smaller than those which the Navy planned before the end of the Cold War.

SHIPBUILDING AND CONVERSION, NAVY

Overview

The budget request for fiscal year 1994 contained an authorization of $4,294.7 million for Shipbuilding and Conversion, Navy. The House bill would authorize $4,160.2 million. The Senate amendment would authorize $4,264.6 million. The conferees recommend authorization of $4,265.1 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	SHIPBUILDING & CONVERSION, NAVY												
1	CARRIER REPLACEMENT PROGRAM												
2	SSN-21												
3	SUBMARINE INDUSTRIAL BASE												
4	CVN REFUELING OVERHAULS		31,127		31,127		31,127						31,127
5	CGN REFUELING OVERHAULS												
6	CGN ADVANCE PROCUREMENT (CY)												
7	DDG-51	3	2,642,772	3	2,585,231	3	2,612,772		-27,541			3	2,642,772
8	DDG-51 ADVANCE PROCUREMENT (CY)												
9	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)	1	893,848	1	893,848	1	893,848					1	893,848
10	LHD ADVANCE PROCUREMENT (CY)												
11	LSD-41 (CARGO VARIANT)												
12	LSD ADVANCE PROCUREMENT (CY)												
13	MHC MINE HUNTER COASTAL												
14	MINE WARFARE C2 SHIP	1	124,175	1	124,175	1	124,175					1	124,175
15	AOE												
16	AOE ADVANCE PROCUREMENT (CY)												
17	OCEANOGRAPHIC SHIPS	2	110,049	2	110,049	2	110,049					2	110,049
18	SERVICE CRAFT		27,362		27,362		27,362						27,362
19	LCAC LANDING CRAFT												
20	OUTFITTING		251,330		212,871		251,330		-38,459		-29,545		221,785
21	POST DELIVERY		169,732		169,732		169,732						169,732
22	PRODUCTION DESIGN SUPPORT		38,459				38,459		-38,459				38,459
23	ESCALATION ON PRIOR YEAR PROGRAM												
24	PY AOE/TAGS PROGRAM COMPLETION												
25	FIRST DESTINATION TRANSPORTATION		5,793		5,793		5,793						5,793
26	CONTRACT ADMIN/AUDIT		95								-95		
	COST GROWTH												
	UNALLOCATED												
	TOTAL SHIPBUILDING		4,294,742		4,160,188		4,264,647		-104,459		-29,640		4,265,102

Guided missile destroyer (DDG–51)

The budget request included $2,642.8 million for buying three *Arleigh Burke*-class destroyers (DDG–51).

The House bill would authorize $2,546.8 million for this purpose, a $96.0 million reduction. The House report (H. Rept. 103–200) directed the Navy to use militarized computer equipment, tactical displays, and data terminals currently operating at shore sites for outfitting these ships. To replace these, the House report directed the Navy to purchase commercial, off-the-shelf (COTS) equipment and display emulators.

The Senate amendment would authorize $2,612.8 million, a $30.0 million reduction. The Senate report (S. Rept. 102–112) directed the Navy to use refurbished 5″/54 Mark 45 guns from retiring cruisers instead of purchasing new ones.

The conferees agree to provide the requested amount for the DDG–51 program.

The Navy has informed the conferees that the retiring cruisers' 5″/54 Mark 45 guns will not be available soon enough to support the construction schedule of the fiscal year 1994 ships. The Navy intends, however, to use these guns in future destroyer construction.

The Navy has also informed the conferees that shore establishments are already using COTS equipment and display emulators, except in those cases when the militarized equipment is needed for maintenance training, software development, or to provide a battle spare. The conferees believe that the Navy could achieve additional savings, but are concerned that taking precipitous action now could delay the destroyer construction program.

The conferees believe that substantial savings could be realized by utilizing non-militarized equipment at shore activities where there is not a valid need or requirement for militarized equipment. Therefore, the conferees direct the Secretary of the Navy to develop and implement a plan to use COTS equipment at shore activities to the maximum extent practical. The conferees direct the Navy to provide this plan to the congressional defense committees with the submission of the fiscal year 1995 budget request.

OTHER PROCUREMENT, NAVY

Overview

The budget request for fiscal year 1994 contained an authorization of $2,968.0 million for Other Procurement, Navy. The House bill would authorize $2,861.5 million. The Senate amendment would authorize $2,820.9 million. The conferees recommend authorization of $2,953.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	OTHER PROCUREMENT, NAVY												
	SHIPS SUPPORT EQUIPMENT												
1	LM-2500 GAS TURBINE		6,975		6,975		6,975						6,975
2	ALLISON 501K GAS TURBINE		2,082		2,082		2,082						2,082
3	STEAM PROPULSION IMPROVEMENT		322		322		322						322
4	OTHER PROPULSION EQUIPMENT		4,581		4,581		4,581						4,581
5	OTHER GENERATORS		17,180		17,180		17,180						17,180
6	OTHER PUMPS		5,089		5,089		5,089						5,089
6A	SUBMARINES PUMP RETROFIT KITS				1,000				1,000		1,000		1,000
7	HIGH PRESSURE AIR COMPRESSORS		4,856		4,856		4,856						4,856
8	SUBMARINE PROPELLERS												
9	OTHER PROPELLERS AND SHAFTS		1,851		1,851		1,851						1,851
10	ELEC SUSPENDED GYRO NAVIGATOR		2,143		2,143		2,143						2,143
11	OTHER NAVIGATION EQUIPMENT		10,766		10,766		10,766						10,766
12	UNDERWAY REPLENISHMENT EQUIPMENT		12,999		12,999		12,999						12,999
13	TYPE 18 PERISCOPES												
14	PERISCOPES AND ACCESSORIES												
15	SUBMARINE PERISCOPES & IMAGING EQUIPME		15,115		15,115		15,115						15,115
16	FIREFIGHTING EQUIPMENT		14,693		14,693		14,693						14,693
17	COMMAND AND CONTROL SWITCHBOARD		3,518		3,518		3,518						3,518
18	POLLUTION CONTROL EQUIPMENT		18,383		18,383		18,383						18,383
19	SUBMARINE SILENCING EQUIPMENT		4,638		4,638		4,638						4,638
20	SURFACE SHIP SILENCING EQUIPMENT												
21	SUBMARINE BATTERIES		9,019		9,019		9,019						9,019
22	STRATEGIC PLATFORM SUPPORT EQUIP		15,179		15,179		15,179						15,179
23	DSSP EQUIPMENT		3,320		3,320		3,320						3,320
24	MINESWEEPING EQUIPMENT		13,385		13,385		13,385						13,385
25	HM&E ITEMS UNDER $2 MILLION		30,970		30,970		30,970						30,970
26	SURFACE IMA		6,910		6,910		6,910						6,910
27	DEGAUSSING EQUIPMENT		906		906		906						906
28	RADIOLOGICAL CONTROLS		480		480		480						480
29	MINI/MICROMINI ELECTRONIC REPAIR		1,275		1,275		1,275						1,275
30	CHEMICAL WARFARE DETECTORS												
31	SUBMARINE LIFE SUPPORT SYSTEM		955		955		955						955

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
32	REACTOR POWER UNITS												
33	REACTOR COMPONENTS		186,425		186,425		186,425						186,425
34	DIVING AND SALVAGE EQUIPMENT		7,720		7,720		7,720						7,720
35	NAVAL SPECIAL WARFARE EQUIPMENT		5,612		5,612		5,612						5,612
36	STANDARD BOATS		9,350		9,350		9,350						9,350
37	OTHER SHIPS TRAINING EQUIPMENT		545		545		545						545
38	PRODUCTION SUPPORT FACILITIES		4,652		4,652		4,652						4,652
39	OPERATING FORCES IPE		8,686		8,686		8,686						8,686
40	INSTALLATION OF PRIOR YEAR EQUIP												
41	NUCLEAR ALTERATIONS		108,590		108,590		108,590						108,590
42	MODERNIZATION SUPPORT												
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT												
43	AN/SPS-40												
44	AN/SPS-48		9,018				9,018		-9,018				9,018
45	AN/SPS-49		16,895		16,895		16,895						16,895
46	AN/SYS-()												
47	MK-23 TARGET ACQUISITION SYSTEM		19,227		19,227		19,227						19,227
48	RADAR SUPPORT		7,816		7,816		7,816						7,816
49	SURFACE ELECTRO-OPTICAL SYSTEM		3,663		3,663		3,663						3,663
50	SURFACE SONAR SUPPORT EQUIPMENT		5,102		5,102		5,102						5,102
51	AN/SQQ-89 SURF ASW COMBAT SYSTEM		88,110		88,110		85,210		2,900				88,110
52	AN/BQQ-5												
52A	AN/BQG-5				50,000				50,000		50,000		50,000
53	SSN ACOUSTICS		27,200				27,200		-27,200				27,200
54	SURFACE SONAR WINDOWS AND DOME		10,575		10,575		10,575						10,575
55	SONAR SUPPORT EQUIPMENT		11,463		9,613		11,463		-1,850				11,463
56	SONAR SWITCHES AND TRANSDUCERS		17,294		13,559		17,294		-3,735		-3,735		13,559
57	FBM SYSTEM SONARS		1,307		1,307		1,307						1,307
58	SUBMARINE ACOUSTIC WARFARE SYSTEM		16,245		12,903		16,245		-3,342				16,245
59	SSTD		14,907		14,907		14,907						14,907
60	ACOUSTIC COMMUNICATIONS		160		160		160						160
61	SUBMARINE ADVANCED COMBAT SYSTEM												
62	SOSUS		41,964		41,964		41,964						41,964
63	FDS												

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
64	AN/SQR-18 TOWED ARRAY SONAR				10,000				10,000				
64a	TOWED ARRAY SONARS										10,000		10,000
65	SURTASS		9,591		9,591		9,591						9,591
66	ASW OPERATIONS CENTER		6,638		6,638		6,638						6,638
67	CARRIER ASW MODULE		6,551		6,551		6,551						6,551
68	AN/SLQ-32		1,328				1,328		-1,328				1,328
69	AN/SSQ-95												
70	AN/WLR-1		3,684		3,684		3,684						3,684
71	AN/WLR-8												
72	ICAD SYSTEMS		918		918		918						918
73	EW SUPPORT EQUIPMENT		2,884		2,884		2,884						2,884
74	C-3 COUNTERMEASURES		18,172		18,172		18,172						18,172
75	COMBAT DF		7,008		7,008		7,008						7,008
76	OUTBOARD		11,266		11,266		11,266						11,266
77	NAVAL INTELL PROCESSING SYSTEM												
78	AN/WLQ-4		4,867		4,867		4,867						4,867
79	AN/WLQ-4 DEPOT												
80	AN/WLQ-4 IMPROVEMENTS												
81	AN/BLD-1 (INTERFEROMETER)												
82	SUBMARINE SUPPORT EQUIPMENT PROG		9,785		9,785		9,785						9,785
83	NAVY TACTICAL DATA SYSTEM		42,863				42,863		-42,863				42,863
84	TACTICAL FLAG COMMAND CENTER		33,787		33,787		33,787						33,787
85	LINK 16 HARDWARE		24,021		24,021		24,021						24,021
86	MINESWEEPING SYSTEM REPLACEMENT		51,728		51,728		51,728						51,728
87	EMSP (MYP)		45,668		45,668		45,668						45,668
88	NAVSTAR GPS RECEIVERS		6,213		6,213		6,213						6,213
89	HF LINK-11 DATA TERMINALS												
90	ARMED FORCES RADIO AND TV		6,028		6,028		6,028						6,028
91	STRATEGIC PLATFORM SUPPORT EQUIP		45,002		45,002		45,002						45,002
92	OTHER SPAWAR TRAINING EQUIPMENT		5,233		5,233		5,233						5,233
93	OTHER TRAINING EQUIPMENT		13,881		9,000		13,881		-4,881				13,881
94	MATCALS		4,010		4,010		4,010						4,010
95	SHIPBOARD AIR TRAFFIC CONTROL		4,545		4,545		4,545						4,545
96	AUTOMATIC CARRIER LANDING SYSTEM		10,810		10,810		10,810						10,810

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
97	TACAN												
98	AIR STATION SUPPORT EQUIPMENT		7,852		7,852		7,852						7,852
99	MICROWAVE LANDING SYSTEM		5,002		5,002		5,002						5,002
100	FACSFAC		7,999		7,999		7,999						7,999
101	ID SYSTEMS		6,088		6,088		6,088						6,088
102	TADIX-B		5,331		5,331		5,331						5,331
103	NAVAL SPACE SURVEILLANCE SYSTEM		2,462		2,462		2,462						2,462
104	SPACE SYSTEM PROCESSING		8,225		4,225		8,225		-4,000		-4,000		4,225
105	NCCS ASHORE		16,686		16,686		16,686						16,686
106	RADIAC		6,923		6,923		6,923						6,923
107	OVER THE HORIZON RADAR												
108	GPETE		18,788		18,788		18,788						18,788
109	INTEG COMBAT SYSTEM TEST FACILITY		5,523		5,523		5,523						5,523
110	CALIBRATION STANDARDS		5,584		5,584		5,584						5,584
111	EMI CONTROL INSTRUMENTATION		10,342		10,342		10,342						10,342
112	SHORE ELEC ITEMS UNDER $2 MILLION		4,761		4,761		4,761						4,761
	SHIPBOARD COMMUNICATIONS												
113	SHIPBOARD TACTICAL COMMUNICATIONS		8,145		8,145		8,145						8,145
114	FLIGHT DECK COMMUNICATIONS												
115	PORTABLE RADIOS		20,864		20,864		20,864						20,864
116	SINCGARS		7,286		7,286		7,286						7,286
117	SHIP COMMUNICATIONS AUTOMATION		27,804		27,804		27,804						27,804
118	SHIP COMM ITEMS UNDER $2 MILLION		3,389		3,389		3,389						3,389
119	SHORE LF/VLF COMMUNICATIONS		3,647		3,647		3,647						3,647
120	VERDIN												
121	SUBMARINE COMMUNICATION EQUIPMENT		5,206		5,206		5,206						5,206
122	SATCOM SHIP TERMINALS		88,420		88,420		88,420						88,420
123	SATCOM SHORE TERMINALS		25,825		25,825		25,825						25,825
124	JCS COMMUNICATIONS EQUIPMENT		1,315		1,315		1,315						1,315
125	ELECTRICAL POWER SYSTEMS		1,380		1,380		1,380						1,380
126	SHORE HF COMMUNICATIONS												
127	DCS TECH CONTROL IMPROVEMENTS												
128	WWMCCS COMMUNICATIONS EQUIPMENT		2,296		2,296		2,296						2,296
129	SHORE COMMUNICATIONS AUTOMATION												

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
130	SHORE COMM ITEMS UNDER $2 MILLION												
131	NAVAL SHORE COMMUNICATIONS		19,207		19,207		19,207						19,207
132	SECURE VOICE SYSTEM		36,923		36,923		36,923						36,923
133	SECURE DATA SYSTEM		5,578		5,578		5,578						5,578
134	KEY MANAGEMENT SYSTEMS		13,113		13,113		13,113						13,113
135	SIGNAL SECURITY		162		162		162						162
136	CRYPTOGRAPHIC ITEMS UNDER $2 MILL		2,504		2,504		2,504						2,504
137	CRYPTOLOGIC COMMUNICATIONS EQUIP		1,837		1,837		1,837						1,837
138	CRYPTOLOGIC ITEMS UNDER $2 MILLION		2,783		2,783		2,783						2,783
139	CRYPTOLOGIC RESERVES EQUIPMENT												
140	CRYPTOLOGIC FIELD TRAINING EQUIP		507		507		507						507
141	SHORE CRYPTOLOGIC SUPPORT SYSTEM												
142	ELECT ENGINEERED MAINTENANCE		4,136		4,136		4,136						4,136
143	OTHER DRUG INTERDICTION SUPPORT												
	AVIATION SUPPORT EQUIPMENT												
144	SONOBUOYS												
145	AN/SSQ-53 (DIFAR)	16,600	14,563	16,600	14,563	16,600	14,563					16,600	14,563
146	AN/SSQ-77 (VLAD)												
147	AN/SSQ-110 (EER)		13,048		13,048		13,048						13,048
148	CARTRIDGES & CART ACTUATED DEVELOP		15,677		15,677		15,677						15,677
149	AIRCRAFT ESCAPE ROCKETS		7,923		7,923		7,923						7,923
150	AIR EXPENDABLE COUNTERMEASURES		39,360		39,360		39,360						39,360
151	MARINE LOCATION MARKERS		3,204		3,204		3,204						3,204
152	DEFENSE NUCLEAR AGENCY MATERIAL		477		477		477						477
153	JATOS		6,699		6,699		6,699						6,699
154	WEAPONS RANGE SUPPORT EQUIPMENT		46,200		46,200		46,200						46,200
155	EXPEDITIONARY AIRFIELDS		2,345		2,345		8,045		-5,700				2,345
156	AIRCRAFT REARMING EQUIPMENT		6,323		6,323		6,323						6,323
157	CATAPULTS & ARRESTING GEAR		2,676		2,676		2,676						2,676
158	METEOROLOGICAL EQUIPMENT		14,718		14,718		14,718						14,718
159	OTHER PHOTOGRAPHIC EQUIPMENT		1,006		1,006		1,006						1,006
160	AVIATION LIFE SUPPORT		5,668		5,668		5,668						5,668
161	AIRBORNE MINE COUNTERMEASURES		7,105		7,105		7,105						7,105
162	LAMPS MK III SHIPBOARD EQUIPMENT		4,606		4,606		4,606						4,606

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
163	REWSON PHOTOGRAPHIC EQUIPMENT		1,664		1,664		1,664						1,664
164	JSIPS-N		3,507		3,507		3,507				-3,507		
165	STOCK SURVEILLANCE EQUIPMENT		1,290		1,290		1,290						1,290
166	OTHER AVIATION SUPPORT EQUIPMENT		9,656		9,656		9,656						9,656
	ORDNANCE SUPPORT EQUIPMENT												
167	GUN FIRE CONTROL EQUIPMENT		8,307		8,307		8,307						8,307
168	MK-92 FIRE CONTROL SYSTEM		698		698		698						698
169	HARPOON SUPPORT EQUIPMENT		3,357		3,357		3,357						3,357
170	TERRIER SUPPORT EQUIPMENT												
171	TARTAR SUPPORT EQUIPMENT		21,872		21,872		21,872						21,872
172	POINT DEFENSE SUPPORT EQUIPMENT		78,934		69,500		78,934		-9,434				78,934
173	AIRBORNE ECM/ECCM		1,145		1,145		1,145						1,145
174	AEGIS SUPPORT EQUIPMENT		29,589		29,589		29,589						29,589
175	SURFACE TOMAHAWK SUPPORT EQUIPMENT		51,736		51,736		51,736						51,736
176	SUBMARINE TOMAHAWK SUPPORT EQUIP		6,144		6,144		6,144						6,144
177	VERTICAL LAUNCH SYSTEMS		5,097		5,097		5,097						5,097
178	STRATEGIC PLATFORM SUPPORT EQUIP		6,384		6,384		6,384						6,384
179	STRATEGIC MISSILE SYSTEMS EQUIP		69,970		69,970		69,970						69,970
180	MK-117 FIRE CONTROL SYSTEM		14,472		14,472		14,472						14,472
181	SUBMARINE ASW SUPPORT EQUIPMENT		5,979		5,979		5,979						5,979
182	SURFACE ASW SUPPORT EQUIPMENT		13,660		13,660		13,660						13,660
183	ASW RANGE SUPPORT EQUIPMENT		7,631		7,631		7,631						7,631
184	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		5,193		5,193		5,193						5,193
185	UNMANNED SEABORNE TARGET												
186	ANTI-SHIP MISSILE DECOY SYSTEM												
187	CALIBRATION EQUIPMENT		1,741		1,741		1,741						1,741
188	STOCK SURVEILLANCE EQUIPMENT		1,714		1,714		1,714						1,714
189	OTHER ORDNANCE TRAINING EQUIPMENT		654		654		654						654
190	FLEET MINE SUPPORT EQUIPMENT		9,484		9,484		9,484						9,484
191	MINE NEUTRALIZATION DEVICES		4,026		4,026		4,026						4,026
192	DEFENSE NUCLEAR AGENCY MATERIAL		798		798		798						798
193	SHIP EXPENDABLE COUNTERMEASURE		11,431		11,431		11,431						11,431
	CIVIL ENGINEERING SUPPORT EQUIPMENT												
194	PASSENGER CARRYING VEHICLES	414	5,420	414	5,420	414	5,420					414	5,420

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
195	SPECIAL PURPOSE VEHICLES		13,735		13,735		13,735						13,735
196	GENERAL PURPOSE TRUCKS		12,746		12,746		12,746						12,746
197	TRAILERS/TRUCK TRACTORS		3,003		3,003		3,003						3,003
198	EARTH MOVING EQUIPMENT		4,313		4,313		4,313						4,313
199	CONSTRUCTION & MAINTENANCE EQUIP		6,014		6,014		6,014						6,014
200	FIRE FIGHTING EQUIPMENT		3,194		3,194		3,194						3,194
201	WEIGHT HANDLING EQUIPMENT		1,427		1,427		1,427						1,427
202	AMPHIBIOUS EQUIPMENT		2,639		2,639		2,639						2,639
203	COMBAT CONSTRUCTION SUPPORT EQUIP		2,039		2,039		2,039						2,039
204	MOBILE UTILITIES SUPPORT EQUIPMENT		2,133		2,133		2,133						2,133
205	COLLATERAL EQUIPMENT		1,816		1,816		1,816						1,816
206	OCEAN CONSTRUCTION EQUIPMENT		923		923		923						923
207	FLEET MOORINGS		2,550		2,550		2,550						2,550
208	POLLUTION CONTROL EQUIPMENT		13,009		13,009		13,009						13,009
209	OTHER CIVIL ENG SUPPORT EQUIPMENT		1,079		1,079		1,079						1,079
210	NATURAL GAS UTILIZATION EQUIPMENT												
	SUPPLY SUPPORT EQUIPMENT												
211	FORKLIFT TRUCKS		13,972		13,972		13,972						13,972
212	OTHER MATERIALS HANDLING EQUIPMENT		3,542		3,542		3,542						3,542
213	AUTOMATED MATERIALS HANDLING SYS												
214	OTHER SUPPLY SUPPORT EQUIPMENT		6,441		6,441		6,441						6,441
215	FIRST DESTINATION TRANSPORTATION		8,710		8,710		8,710						8,710
216	SPECIAL PURPOSE SUPPLY SYSTEMS		66,403		66,403		66,403						66,403
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT												
217	SURFACE SONAR TRAINERS												
218	SUBMARINE SONAR TRAINERS												
219	SURFACE COMBAT SYSTEM TRAINERS		689		689		689						689
220	SUBMARINE COMBAT SYSTEM TRAINERS												
221	SHIP SYSTEM TRAINERS												
222	TRAINING SUPPORT EQUIPMENT		1,678		1,678		1,678						1,678
223	TRAINING DEVICE MODIFICATIONS		32,960		32,960		32,960						32,960
224	COMMAND SUPPORT EQUIPMENT		10,865		10,865		10,865						10,865
225	EDUCATION SUPPORT EQUIPMENT		6,848		6,848		6,848						6,848
226	MEDICAL SUPPORT EQUIPMENT		6,153		6,153		6,153						6,153

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
227	CONTRACT ADMIN/AUDIT OPN		59,843								-59,843		
228	INTELLIGENCE SUPPORT EQUIPMENT		44,639		44,639		41,639		3,000		-4,284		40,355
229	ITEMS UNDER $2 MILLION												
230	OPERATING FORCES SUPPORT EQUIPMENT		9,495		9,495		9,495						9,495
231	ANTARCTICA SUPPORT EQUIPMENT												
232	NAVAL RESERVE SUPPORT EQUIPMENT		828		828		828						828
233	ENVIRONMENTAL SUPPORT EQUIPMENT		12,741		12,741		12,741						12,741
234	PHYSICAL SECURITY EQUIPMENT		12,264		12,264		12,264						12,264
235	COMPUTER ACQUISITION PROGRAM		38,181		38,181		38,181						38,181
236	PRODUCTIVITY INVESTMENT (PIF)												
237	PROD ENHANCE INCENTIVE FUND (PEIF)												
238	CANCELLED ACCOUNT ADJUSTMENTS												
	SPARES AND REPAIR PARTS												
239	OPN REPLENISHMENT SPARES		387,461		387,461		387,461						387,461
	FLEET MODERNIZATION PROGRAM												
	BASE CLOSURE SAVINGS						-62,000		62,000				
	RAISE O&M PURCHASE THRESHOLD						-25,000		25,000				
	TOTAL OTHER PROCUREMENT NAVY		2,967,974		2,861,480		2,820,931		40,549		-14,369		2,953,605

AN/BQG–5

Neither the budget request nor the Senate amendment included any funds for AN/BQG–5 wide aperture array (WAA) systems.

The House bill would authorize $50.0 million for the AN/BQG–5 program, including $20.0 million for the completion and installation of a second system and $30.0 million for procurement and installation of a third system. The House report (H. Rept. 103–200) expressed support for the Navy's initiatives to address antisubmarine warfare (ASW) in the shallow water environment. The report also cited the AN/BQG–5 WAA system being installed on the U.S.S. *Augusta* (SSN–710) as a system that could provide quicker detection, localization, and targeting information in shallow water.

The conferees agree to authorize the funding contained in the House bill. The conferees support the Navy's initiatives in shallow water ASW. The conferees understand that the AN/BQG–5 is a stand-alone subsystem of the AN/BSY–2 combat system on *Seawolf* submarines. Upon completion of the *Seawolf* program, and with this authorization, the Navy will have bought and installed six AN/BQG–5 WAA systems. The conferees believe that six AN/BQG–5 systems are sufficient to meet near-term shallow water ASW concerns. The conferees will consider Navy requests for additional systems if the Navy requests them in future budget requests.

Towed array sonars

The budget request did not contain funds for surface ship towed array sonars or for including full spectrum processing capability in surface ships for conducting shallow water antisubmarine warfare (ASW).

The House bill would add $10.0 million for this purpose. The House report (H. Rept. 103–200) expressed concern that the Navy is not trying to determine the effectiveness of current surface ship towed arrays in improving shallow water ASW and target classification for those ships not equipped with the AN/SQQ–89 surface ASW combat system.

The Senate bill contained no similar funding.

The Senate recedes.

The conferees are concerned that Navy evaluations of current surface ship towed arrays and full spectrum processing for improving shallow water ASW capability in shallow water operations lack focus. Therefore, the conferees direct the Secretary of the Navy to conduct an at-sea evaluation of the potential ASW and target classification improvements that would be achieved by using current surface towed arrays with full spectrum processors already in the Navy's inventory.

Minesweeping system replacement

The budget request contained $51.7 million for minesweeping system replacement. The House bill and the Senate amendment would approve the requested amount.

The conferees have been concerned about the Navy's mine countermeasures capability for a long time. The conferees believe that the AN/SQQ–32 mine hunting sonar is a critical element in the Navy's mine warfare capabilities. In view of its importance, the conferees believe that expeditious procurement of the last eight systems to satisfy the inventory objectives would reduce program risk.

PROCUREMENT, MARINE CORPS

Overview

The budget request for fiscal year 1994 contained an authorization of $483.5 million for Procurement, Marine Corps. The House bill would authorize $471.0 million. The Senate amendment would authorize $480.5 million. The conferees recommend authorization of $483.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	PROCUREMENT, MARINE CORPS												
1	5.56 MM, ALL TYPES		1,248		1,248		1,248						1,248
2	7.62 MM, ALL TYPES												
3	LINEAR CHARGES, ALL TYPES		229		229		229						229
4	.50 CALIBER		782		782		782						782
5	40 MM, ALL TYPES		4,252		4,252		4,252						4,252
6	60 MM ILLUM M721												
7	60 MM SMOKE WP												
8	60 MM HE M888												
9	81 MM HE		17,417		17,417		17,417						17,417
10	81 MM TP M879												
11	81MM ILLUMINATION (M853)												
12	120MM HEAT MP-T M830												
13	120MM APFSDS-T M829E1												
14	120MM TPCSDS-T M865		2,650		2,650		2,650						2,650
15	120 MM TP-T M831		4,371		4,371		4,371						4,371
16	155MM HE ADAM												
17	155MM M864 PROJ BASEBURNER												
18	FUZE, ET, XM762		13,982		13,982		13,982						13,982
19	FUZE, ET, XM767		4,291		4,291		4,291						4,291
20	83 MM ROCKET HEAA (SMAW)												
21	LIGHT ANTI-ARMOR WEAPON												
22	CTG 25MM, ALL TYPES		782		782		782						782
23	25MM HEI-T												
24	25MM, TP-T, M793												
25	CTG 25MM APDST												
26	9 MM ALL TYPES		2,180		2,180		2,180						2,180
27	MINES, ALL TYPES		3,908		3,908		3,908						3,908
28	GRENADES, ALL TYPES												
29	ROCKETS, ALL TYPES		10,341		10,341		10,341						10,341
30	AMMO MODERNIZATION		7,800		7,800		7,800						7,800
31	AMMO DEMILITARIZATION		7,217		7,217		7,217						7,217
32	ITEMS LESS THAN $2 MIL		3,572		3,572		3,572						3,572
33	AAV7A1 PIP		15,139		2,539		2,539				-12,600		2,539

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
34	LAV PIP		6,914		6,914		6,914						6,914
35	LIGHT ARMORED VEHICLE	21	65,525	21	65,525	21	65,525					21	65,525
36	MODIFICATION KITS (TRKD VEH)		963		963		963						963
37	ITEMS UNDER $2M (TRKD VEH)												
38	MULTI-LAUNCH ROCKET SYS (MLRS)												
39	MOD KITS (ARTILLERY)		2,001		2,001		2,001						2,001
40	ITEMS UNDER $2M (ALL OTHER)												
41	MACHINE GUN, 50 CAL M2												
42	M60E3 PIP												
43	MK-19 40MM MACHINE GUN												
44	HAWK MOD		2,100		2,100		2,100						2,100
45	PEDESTAL MOUNTED STINGER (PMS) (MYP)	24	19,201	24	19,201	24	19,201					24	19,201
46	PMS ADVANCE PROCUREMENT (CY)												
47	TOW												
48	MODIFICATION KITS		97		97		97						97
49	ITEMS LESS THAN $2 MILLION												
50	MANPACK RADIOS AND EQUIP												
51	GPS	1,453	14,597	1,453	14,597	1,453	14,597					1,453	14,597
52	VEHICLE MTD RADIOS & EQUIP (MYP)		97		97		97						97
53	AN/GRC-XXXX												
54	TSC-96 PIP FLEET SATCOM TERMINAL	5	1,722	5	1,722	5	1,722					5	1,722
55	UNIT LEVEL CIRCUIT SWITCH (ULCS)		11,956		11,956		11,956						11,956
56	TACT COMM CENTER EQUIP		2,914		2,914		2,914						2,914
57	JOINT TACT INFO DIST SYS (CL I)		1,743		1,743		1,743						1,743
58	CONTRACT ADMIN/AUDIT		9,843								-9,843		
59	OSCILLOSCOPE												
60	SIGNAL GENERATOR												
61	ELECTRONIC TEST EQUIP (TEL)		4,805		4,805		4,805						4,805
62	SINGLE CHAN GRD & AIR RADIO		46,122		56,122		46,122		10,000		10,000		56,122
63	MODIFICATION KITS (TEL)		3,599		3,599		3,599						3,599
64	ITEMS LESS THAN $2M (TEL)		3,079		3,079		3,079						3,079
65	POS LOCATING RPTG SYSTEM (PLRS)		3,268		3,268		3,268						3,268
66	TACTICAL AIR OPER MODULE (TAOM)		2,454		2,454		2,454						2,454
67	ADVANCED TACT AIR COMMAND CENTER	1	9,619	1	9,619	1	9,619					1	9,619

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
68	MARINE TACTICAL C2		2,767		2,767		2,767						2,767
69	MULTI-SERV ADF FIELD ART TACT DATA SYS	214	9,609	214	9,609	214	9,609					214	9,609
70	METEOROLOGICAL SYSTEMS												
71	INTELLIGENCE SUPPORT EQUIPMENT		21,636		21,636		21,636						21,636
72	MOD KITS (INTEL)		5,173		5,173		5,173						5,173
73	ITEMS LESS THAN $2M (INTELL)		2,698		2,698		2,698						2,698
74	ELECTRONIC TMDE REPAIR FACILITY		652		652		652						652
75	MECH TEST TMDE		859		859		859						859
76	NIGHT VISION EQUIPMENT		12,392		12,392		24,992		-12,600		12,600		24,992
77	ADP EQUIPMENT		14,504		14,504		14,504						14,504
78	TEST CALIB & MAINT SPT		931		931		931						931
79	MODIFICATION KITS (NONTEL)		2,447		2,447		2,447						2,447
80	ITEMS LESS THAN $2M (NONTEL)												
81	COMMERCIAL PASSENGER VEHICLES	96	1,732	96	1,732	96	1,732					96	1,732
82	COMMERCIAL CARGO VEHICLES		8,304		8,304		8,304						8,304
83	5/4T TRUCK HMMWV (MYP)												
84	LOGISTICS VEHICLE SYSTEM	81	12,070	81	12,070	81	12,070					81	12,070
85	TRAILERS		1,298		1,298		1,298						1,298
86	MODIFICATION KITS		4,160		4,160		4,160						4,160
87	ITEMS LESS THAN $2 MIL												
88	ENVIRONMENTAL CONTROL EQUIP ASSORT		2,023		2,023		2,023						2,023
89	ARMORED COMBAT EXCAVATOR (ACE)												
90	TACTICAL FUEL SYSTEM (TFS) EQUIP		1,135		1,135		1,135						1,135
91	TOPOGRAPHIC/SURVEY EQUIPMENT												
92	BRIDGES, ALL TYPES												
93	POWER EQUIPMENT ASSORTED		2,406		2,406		2,406						2,406
94	AUTOMATIC BUILDING MACHINES												
95	COMMAND SUPPORT EQUIPMENT		1,793		1,793		1,793						1,793
96	AMPHIBIOUS RAID EQUIPMENT		1,803		1,803		1,803						1,803
97	PRODUCTIVITY INVESTMENT												
98	PHYSICAL SECURITY EQUIPMENT		703		703		703						703
99	GARRISON MOBILE ENGR EQUIP		2,697		2,697		2,697						2,697
100	TELEPHONE SYSTEM		358		358		358						358
101	WAREHOUSE MODERNIZATION		2,242		2,242		2,242						2,242

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
102	MATERIAL HANDLING EQUIP		3,180		3,180		3,180						3,180
103	FIRST DESTINATION TRANSPORTATION		3,222		3,222		3,222						3,222
104	LIGHTWEIGHT DECONTAMINATION SYSTEM												
105	FIELD MEDICAL EQUIPMENT		3,454		3,454		3,454						3,454
106	TRAINING DEVICES		11,018		11,018		21,018		-10,000				11,018
107	SHELTER FAMILY												
108	CONTAINER FAMILY		2,957		2,957		2,957						2,957
109	MODIFICATION KITS		97		97		97						97
110	CHEMICAL AGENT MONITOR	221	1,256	221	1,256	221	1,256					221	1,256
111	ITEMS LESS THAN $2 MIL												
112	INDUSTRIAL/DEPOT MAINTENANCE EQUIPMENT												
113	DRUG INTERDICTION												
114	MC SPARES AND REPAIR PARTS		29,108		29,108		29,108						29,108
	RAISE O&M PURCHASE THRESHOLD						-3,100		3,100				
	TOTAL PROCUREMENT MARINE CORPS		483,464		471,021		480,521		-9,500		157		483,621

AIRCRAFT PROCUREMENT, AIR FORCE

Overview

The budget request for fiscal year 1994 contained an authorization of $7,301.0 million for Aircraft Procurement, Air Force. The House bill would authorize $7,223.5 million. The Senate amendment would authorize $4,041.7 million. The conferees recommend authorization of $7,013.9 million, asdelineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	AIRCRAFT PROCUREMENT, AIR FORCE												
1	B-1B (MYP)		162,547		162,547		126,547		36,000		68,953		231,500
2	B-2A (MYP)		604,339		604,339		604,339						604,339
3	B-2 ADVANCE PROCUREMENT (CY)												
4	F-15 E		28,671		28,671		28,671						28,671
5	F-16 C/D (MYP)	24	724,700	24	724,700			24	724,700	-12	-324,700	12	400,000
6	F-16 TERMINATION COSTS		70,800		70,800		70,800						70,800
7	E-3A												
	RC-135			2	93,200			2	93,200				
8	CONTRACT ADMIN/AUDIT		144,292								-144,292		
	INTER-THEATER AIRLIFT AIRCRAFT				1,673,709				1,673,709		2,130,000		2,130,000
	INTER-THEATER AIRLIFT ADV PROC				245,000				245,000		188,000		188,000
9	C-17 (MYP)	6	2,072,809							-6	-2,072,809		
10	C-17 ADVANCE PROCUREMENT (CY)		245,500								-245,500		
11	HC-130												
12	C-130H		53,794		53,794		53,794						53,794
13	LC130												
14	ENHANCED FLIGHT SCREENER	33	9,952	33	9,952	33	9,952					33	9,952
15	TANKER, TRANSPORT, TRAINER SYSTEM	35	147,356	35	147,356	35	147,356					35	147,356
16	MH-60G												
17	CIVIL AIR PATROL A/C	27	2,543	27	2,700	27	2,743		-43		157	27	2,700
18	E-8B	1	281,823	2	476,823	2	476,823			1	195,000	2	476,823
19	E-8B ADVANCE PROCUREMENT (CY)		123,700		123,700		123,700						123,700
20	SOF A/C CSE		18,752		18,752		18,752						18,752
	MODIFICATION OF INSERVICE AIRCRAFT												
21	B-2A		21,890		21,890		21,890						21,890
22	B-1B		50,808		100,808		50,808		50,000		-10,008		40,800
23	B-52		47,357		47,357		37,357		10,000		-10,000		37,357
24	F-117		16,327		16,327		16,327						16,327
25	A-10		28,414		28,414		28,414						28,414
26	F/RF-4		2,043		2,043		2,043						2,043
27	F-15		282,725		282,725		282,725						282,725
28	F-16		120,503		120,503		120,503				4,900		125,403
29	EF-111												

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
30	F-111		19,078		19,078		19,078						19,078
31	T/AT-37		3,447		3,447		3,447						3,447
32	C-5		31,132		31,132		31,132						31,132
33	C-9		8,493		8,493		8,493						8,493
34	C-17A		16,472				16,472		-16,472		-16,472		
35	C-21		283		283		283						283
36	C-STOL		91		91		91						91
37	C-137		3,464		3,464		3,464						3,464
38	C-141		29,195		29,195		29,195						29,195
39	T-38		12,900		12,900		12,900						12,900
40	T-41 AIRCRAFT		183		183		183						183
41	T-43		269		269		269						269
42	KC-10A (ATCA)		36,661		36,661		36,661						36,661
43	C-12		278		278		278						278
44	C-18		182		182		182						182
45	C-20 MODS		92		92		92						92
46	VC-25A MOD		564		564		564						564
47	C-130		141,085		141,085		141,085						141,085
48	C-135		46,643		206,643		12,843		193,800		14,200		60,843
48a	RC-135 PRIOR YEAR SAVINGS						-100,900		100,900				
49	E-3		4,641		4,641		4,641						4,641
50	E-4		31,489		31,489		31,489						31,489
51	H-1		96		96		96						96
52	H-60		29,552		19,552		29,552		-10,000				29,552
53	OTHER AIRCRAFT		83,984		83,984		83,984						83,984
	COMPASS CALL MISSION SIMULATORS (CCMS)				22,000				22,000		8,000		8,000
54	CLASSIFIED PROJECTS		37,647		37,647		37,647				-9,400		28,247
55	APAF SPARES AND REPAIR PARTS		556,077		556,077		496,077		60,000				556,077
56	COMMON AGE		193,535		193,535		193,535						193,535
57	INDUSTRIAL RESPONSIVENESS		25,106		25,106		25,106						25,106
58	WAR CONSUMABLES		31,906		31,906		31,906						31,906
59	OTHER PRODUCTION CHARGES		670,242		642,786		643,742		-956		-63,056		607,186
60	COMMON ECM EQUIPMENT		24,533		24,533		24,533						24,533
	TOTAL AIRCRAFT PROCUREMENT AIR FORCE		7,300,965		7,223,502		4,041,664		3,181,838		-287,027		7,013,938

C–130 aircraft

The budget request included $53.8 million for C–130 aircraft for the Air Force.

The House bill and the Senate amendment would approve the requested amount. The Senate report (S. Rept. 103–112) expressed interest in the proposal to develop a follow-on C–130 aircraft, tentatively called "C–130J." The Senate report also raised several questions about the C–130J proposal and asked the Air Force for more information. The conferees endorse the requirement for the Air Force to provide this report.

The Senate amendment also would require the Air Force to transfer two active duty C–130 squadrons to the Reserve forces, because he Department of the Air Force had failed to certify that it was modernizing the active duty squadrons in accordance with section 1023 of the National Defense Authorization Act for Fiscal Years 1992 and 1993.

The Senate recedes.

The conferees also believe that the Department should provide a more thorough analysis of tactical airlift forces requirements, capabilities, and programs. The conferees understand that the Department of Defense intends to complete volume III of the Mobility Requirements Study (MRS) soon. This report is intended to analyze intratheater lift requirements, which should include some analysis of tactical airlift requirements and needs. The conferees are concerned, however, that such a broadly focussed report may not provide the information necessary for the Congress to make informed decisions on these important programs. The conferees, therefore, endorse the requirement that the Secretary of Defense submit a tactical airlift modernization plan, as requested by the House report (H) Rept. 103–254) accompanying the Department of Defense Appropriations Bill for 1994 (H.R. 3116).

B–52 bomber modifications

The budget request contained $47.4 million for B–52 bomber modifications.

The House bill would fully fund the request.

The Senate amendment would reduce the request by $10.0 million.

The conferees recommend $37.4 million for B–52 bomber modifications, a reduction made without prejudice in order to meet budget targets.

F–16 aircraft modifications

The budget request included $120.5 million for F–16 aircraft modifications. The House bill and the Senate amendment would approve the requested amount.

The conferees understand that the Air Force has experienced reliability problems with certain bomb ejection racks on the F–16 aircraft. The conferees further understand that the Air Force has identified alternatives for fixing this problem. The conferees agree to add $4.9 million for fielding better ejection rack capability. The conferees direct the Air Force to use full and open competition for solving this problem.

MISSILE PROCUREMENT, AIR FORCE

Overview

The budget request for fiscal year 1994 contained an authorization of $4,361.1 million for Missile Procurement, Air Force. The House bill would authorize $3,620.9 million. The Senate amendment would authorize $4,245.4 million. The conferees recommend authorization of $3,582.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	MISSILE PROCUREMENT, AIR FORCE												
1	PEACEKEEPER (M-X)												
2	MISSILE REPLACEMENT EQ-BALLISTIC		27,111		27,111		27,111						27,111
3	CONTRACT ADMIN/AUDIT		91,536								-91,536		
4	HAVE NAP												
5	TRI-SERVICE ATTACK MISSILE		195,860		195,860		195,860				-35,000		160,860
6	ADVANCED CRUISE MISSILE		59,367		19,367		5,000		14,367		-54,367		5,000
7	ACM ADVANCE PROCUREMENT (CY)												
8	HAVE FLAG	[ ]	[ ]										
9	AMRAAM	749	501,629	749	501,629	749	501,629					749	501,629
10	AGM-130 POWERED GBU-15	102	73,881	102	73,881	102	73,881					102	73,881
11	AGM-65D MAVERICK												
12	AGM-88A HARM												
13	MQM107 SUBSCALE DRONE	60	26,314	60	26,314	60	26,314					60	26,314
14	TARGET DRONES												
15	QF-4 FULL SCALE AERIAL DRONE		4,653		4,653		4,653						4,653
16	INDUSTRIAL FACILITIES		6,312		6,312		6,312						6,312
17	MISSILE REPLACEMENT EQ-OTHER		21,359		21,359		21,359						21,359
18	CLASSIFIED PROGRAM	[ ]	[ ]										
	MODIFICATION OF INSERVICE MISSILES												
19	HAVE NAP												
20	AIR LAUNCH CRUISE MISSILE												
21	PEACEKEEPER (M-X)		165		165		165						165
22	AIM-9 SIDEWINDER		4,716		4,716		4,716						4,716
23	MM II/III MODIFICATIONS		38,103		38,103		38,103				-4,661		33,442
24	AGM-65D MAVERICK		421		421		421						421
25	AGM-88A HARM		74,004		74,004		74,004						74,004
26	MODIFICATIONS UNDER $2.0M		223		223		223						223
27	ADVANCED CRUISE MISSILE MODS												
28	MPAF SPARES AND REPAIR PARTS		54,177		54,177		54,177						54,177
29	SPACEBORNE EQUIP (COMSEC)		205		205		205						205
30	GLOBAL POSITIONING (MYP)	4	116,370	4	116,370	4	116,370					4	116,370
31	GPS ADVANCE PROCUREMENT (CY)		55,935		55,935		55,935						55,935
32	SPACE SHUTTLE OPERATIONS		74,852		74,852		74,852						74,852

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
33	SHUTTLE ADVANCE PROCUREMENT (CY)												
34	SPACE BOOSTERS (MYP)		470,585		470,585		445,585		25,000				470,585
35	MEDIUM LAUNCH VEHICLE	2	134,407	2	134,407	2	114,907		19,500		-2,100	2	132,307
36	MLV ADVANCE PROCUREMENT (CY)		11,004		11,004		11,004						11,004
37	DEF METEOROLOGICAL SAT PROG (MYP)		29,384		29,384		6,984		22,400				29,384
38	DEFENSE SUPPORT PROGRAM (MYP)	1	265,734							-1	-265,734		
39	DSP ADVANCE PROCUREMENT (CY)		193,409								-193,409		
	MISSILE WARNING & SURVEILLANCE						691,900		-691,900				
40	DEFENSE SATELLITE COMM SYSTEM (MYP)		32,440		32,440		20,440		12,000		-7,000		25,440
41	IONDS (MYP)	6	31,727	6	31,727	6	31,727					6	31,727
42	IONDS ADVANCE PROCUREMENT (CY)		10,109		10,109		10,109						10,109
43	SPECIAL UPDATE PROGRAMS		141,126		141,126		141,126						141,126
44	SPECIAL PROGRAMS		1,613,932		1,464,432		1,490,332		-25,900		-124,500		1,489,432
999	CLASSIFIED PROGRAMS												
	TOTAL MISSILE PROCUREMENT AIR FORCE		4,361,050		3,620,871		4,245,404		-624,533		-778,307		3,582,743

Advanced cruise missile (ACM)

The budget request contained $59.4 million for the advanced cruise missile (ACM).

Relying on the availability of unobligated prior year funds, the House bill would provide $19.4 million, while the Senate amendment would provide $5.0 million.

The conferees agree to authorize $5.0 million for the ACM program, and direct the use of unobligated prior year funds for the balance of the request, including the use of such funds for ACM weapons system support requirements.

Defense meteorological satellite program

The Senate report (S. Rept. 103–112) stated that it is not necessary or affordable to maintain separate civil and military weather satellite systems. If a merger of the two systems is not achieved, the Department of Defense should reduce its constellation size from two satellites to one and terminate the long-planned block 6 upgrade. Accordingly, the Senate amendment would reduce the budget request for weather satellite and space booster procurement by $47.4 million to defer the planned launch of a DOD weather satellite in fiscal year 1994.

The House bill and report (H. Rept. 103–200) took no similar action.

The Senate recedes.

The conferees agree that the nation's two weather satellite programs should be consolidated. The President has now formally recommended legislation to Congress requiring this merger. The conferees are encouraged that the Department and the National Oceanic and Atmospheric Administration (NOAA) have made progress in resolving requirements, management, and funding issues. The conferees note also that the President's Science Advisor, building on the DOD–NOAA efforts, intends to produce a consolidation plan.

The conferees also agree that requested block 6 modernization funds should be used for joint system research and development. The conferees urge the Science Advisor to consider the merits of: (1) halting the procurement of additional NOAA satellites; (2) modifying, as necessary, two DOD satellites instead, which would roughly even out the inventories of the two systems; and (3) using the savings from the planned procurement to achieve improved capabilities in a merged system. The conferees believe that significant funds can be saved even as capabilities are improved, because total constellation size and ground infrastructure can be reduced.

The conferees believe that decisions on management of the merged system should be primarily based on cost and effectiveness. Constellation planning should be based on U.S. military, civil, and commercial interests, first and foremost; where these coincide with those of current or potential international partners, the conferees encourage wider cooperation.

Defense satellite communications system

The budget request included $32.4 million for defense satellite communications system (DSCS) procurement and $134.4 million for medium launch vehicle (MLV) procurement.

The Senate amendment would reduce the amounts requested for these two programs by $12.0 million and $19.4 million, respectively, to defer the launch of a DSCS satellite and to take advantage of prior year savings identified by the General Accounting Office.

The House bill would take no similar action.

The conferees direct the Air Force to defer the launch of a DSCS satellite and agree to reduce the requested amount for DSCS by $7.0 million. The conferees further agree to restore all but $2.1 million of the requested amount for the MLV.

OTHER PROCUREMENT, AIR FORCE

Overview

The budget request for fiscal year 1994 contained an authorization of $7,942.1 million for Other Procurement, Air Force. The House bill would authorize $7,621.8 million. The Senate amendment would authorize $7,610.9 million. The conferees recommend authorization of $7,524.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	OTHER PROCUREMENT, AIR FORCE												
	MUNITIONS AND ASSOCIATED EQUIPMENT												
1	2.75 INCH ROCKET MOTOR												
	HYDRA 70 ROCKET				17,000				17,000				
2	ITEMS LESS THAN $2,000,000		4,179		4,179		4,179						4,179
3	5.56 MM	27,374	7,833	27,374	7,833	27,374	7,833					27,374	7,833
4	20 MM COMBAT												
5	20MM TRAINING	2,089	7,012	2,089	7,012	2,089	7,012					2,089	7,012
6	30 MM TRAINING	3,301	26,464	3,301	26,464	3,301	26,464					3,301	26,464
7	CARTRIDGE CHAFF RR-180	558	2,217	558	2,217	558	2,217					558	2,217
8	CARTRIDGE CHAFF RR-188	1,321	2,325	1,321	2,325	1,321	2,325					1,321	2,325
9	SIGNAL MK-4 MOD 3	505	816	505	816	505	816					505	816
10	CART IMP 3000 FT/LBS	848	2,019	848	2,019	848	2,019					848	2,019
11	ITEMS LESS THAN $2,000,000		4,062		4,062		4,062						4,062
12	MK-82 INERT/BDU-50	24,936	6,318	24,936	6,318			24,936	6,318	-24,936	-6,318		
13	BOMB HARD TARGET 2000LB												
14	BSU-85/93 INFLATABLE RETARDER												
14A	BSU-49 RETARDER				10,858				10,858				
15	GBU-28 HARD TARGET PENETRATOR												
16	LASER BOMB GUIDANCE KIT												
17	GBU-15		6,035		6,035		6,035						6,035
18	BOMB PRACTICE 25 POUND	715,704	7,405	715,704	7,405	715,704	7,405					715,704	7,405
19	MK-84 BOMB-EMPTY												
20	SENSOR FUZED WEAPON	110	89,549	110	89,549	110	89,549					110	89,549
21	CBU-87(COMBINED EFFECTS MUNITIONS)												
22	ITEMS LESS THAN $2,000,000		5,534		5,534		5,534						5,534
23	ITEMS LESS THAN $2,000,000		81		81		81						81
24	FLARE, IR MJU-7B	306,572	6,288	306,572	6,288	306,572	6,288					306,572	6,288
25	MJU-108 FLARE	75,813	3,211	75,813	3,211	75,813	3,211					75,813	3,211
26	ALA-17 FLARE	53,392	11,465	53,392	11,465	53,392	11,465					53,392	11,465
27	M-206 CARTRIDGE FLARE	659,370	13,323	659,370	13,323	659,370	13,323					659,370	13,323
28	AMMO DEMIL		200		200		200						200
29	SPARES AND REPAIR PARTS		2,690		2,690		2,690						2,690
30	SPECIAL PROGRAMS												

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
31	MODIFICATIONS		2,400		2,400		2,400						2,400
32	ITEMS LESS THAN $2,000,000		7,068		7,068		7,068						7,068
33	FMU-139 FUZE		20,563		20,563		20,563						20,563
34	ITEMS LESS THAN $2,000,000		252		252		252						252
35	SHOTGUN - 12 GAGE												
36	SQUAD AUTOMATIC WEAPON												
37	M-16 A2 RIFLE	7,043	4,085	7,043	4,085	7,043	4,085					7,043	4,085
38	9MM COMPACT PISTOL												
39	.50 CAL RIFLE	184	1,330	184	1,330	184	1,330					184	1,330
40	M2 .50 CAL MACHINE GUN												
41	12GA EOD SHOTGUN												
	VEHICULAR EQUIPMENT												
42	SEDAN, 4 DR 4X2	180	1,910	180	1,910	180	1,910					180	1,910
43	STATION WAGON, 4X2	101	1,319	101	1,319	101	1,319					101	1,319
44	BUS, 28 PASSENGER	49	2,347	49	2,347	49	2,347					49	2,347
45	BUS - 32-44 PASSENGER	22	1,392	22	1,392	22	1,392					22	1,392
46	AMBULANCE, BUS	1	75	1	75	1	75					1	75
47	MODULAR AMBULANCE	159	7,951	159	7,951	159	7,951					159	7,951
48	14-23 PASSENGER BUS	6	205	6	205	6	205					6	205
49	LAW ENFORCEMENT VEHICLE	190	2,515	190	2,515	190	2,515					190	2,515
50	ARMORED SEDAN	2	335	2	335	2	335					2	335
51	TRUCK, STAKE/PLATFORM												
52	TRUCK, CARGO-UTILITY, 3/4T, 4X4												
53	TRUCK, CARGO-UTILITY, 1/2T, 4X2												
54	TRUCK, PICKUP, 1/2T, 4X2	784	8,729	784	8,729	784	8,729					784	8,729
55	TRUCK, PICKUP, COMPACT	1,439	13,143	1,439	13,143	1,439	13,143					1,439	13,143
56	TRUCK MULTI-STOP 1 TON 4X2	136	2,618	136	2,618	136	2,618					136	2,618
57	TRUCK, PANEL, 4X2												
58	TRUCK CARRYALL	184	2,691	184	2,691	184	2,691					184	2,691
59	MEDIUM TACTICAL VEHICLE												
60	TRUCK, CARGO, 2 1/2T												
61	TRUCK TRACTOR, OVER 5T												
62	TRUCK, DUMP 5 TON												
63	TRUCK, UTILITY												

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
64	CAP VEHICLES		800		825		800		25		25		825
65	ITEMS LESS THAN $2,000,000		11,756		11,756		11,756						11,756
66	TRUCK PHONE LINE CONSTRUCTION												
67	TRUCK TANK FUEL R-11	154	17,620	154	17,620	154	17,620					154	17,620
68	ITEMS LESS THAN $2,000,000		14,743		14,743		14,743						14,743
69	TRUCK CRASH P-19												
70	TRUCK CRASH P-23	2	1,011	2	1,011	2	1,011					2	1,011
71	TRUCK WATER P-26 (P-18)	18	2,912	18	2,912	18	2,912					18	2,912
72	HEAVY RESCUE VEHICLE	13	2,162	13	2,162	13	2,162					13	2,162
73	TRUCK PUMPER P-24	15	2,330	15	2,330	15	2,330					15	2,330
74	TRUCK PUMPER P-22	26	3,490	26	3,490	26	3,490					26	3,490
75	ITEMS LESS THAN $2,000,000		777		777		777						777
76	TRUCK F/L 4000 LB GED/DED 144 INCH												
77	TRUCK, F/L 6000 LB												
78	TRUCK, F/L 10,000 LB	140	7,129	140	7,129	140	7,129					140	7,129
79	60K A/C LOADER	19	27,601	19	27,601	19	27,601					19	27,601
80	50K CONTAINER HANDLER	10	3,047	10	3,047	10	3,047					10	3,047
81	ITEMS LESS THAN $2,000,000		2,722		2,722		2,722						2,722
82	LOADER, SCOOP												
83	RUNWAY SNOW REMOV AND CLEANING EQUIP												
84	WELL DRILLING SYSTEM	4	3,528	4	3,528	4	3,528					4	3,528
85	OPAF SPARES AND REPAIR PARTS		286		286		286						286
86	MODIFICATIONS		550		550		550						550
87	ITEMS LESS THAN $2,000,000		7,618		7,618		7,618						7,618
88	CANCELLED ACCOUNT ADJUSTMENT												
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP												
89	COMSEC EQUIPMENT		23,513		23,513		23,513						23,513
90	SPARES AND REPAIR PARTS OPAF		1,628		1,628		1,628						1,628
91	MODIFICATIONS (COMSEC)		953		953		953						953
92	INTELLIGENCE DATA HANDLING SYS		11,170		11,170		11,170						11,170
93	INTELLIGENCE TRAINING EQUIPMENT		31		31		31						31
94	INTELLIGENCE COMM EQUIP		10,790		10,790		10,790						10,790
95	ITEMS LESS THAN $2,000,000		344		344		344						344
96	AIR TRAFFIC CTRL/LAND SYS (ATCALS)		13,455		13,455		13,455						13,455

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
97	TACTICAL AIR CONTROL SYS IMPROVE		55,931		55,931		55,931						55,931
98	WEATHER OBSERV/FORCAST		47,650		48,650		47,650		1,000		1,000		48,650
99	DEFENSE SUPPORT PROGRAM		38,563								-38,563		
100	STRATEGIC COMMAND AND CONTROL		57,399		57,399		57,399						57,399
101	CHEYENNE MOUNTAIN COMPLEX		29,265		29,265		29,265						29,265
102	BMEWS MODERNIZATION												
103	NAVSTAR GPS		5,264		5,264		5,264				-664		4,600
104	DEFENSE METEOROLOGICAL SAT PROG		16,595		16,595		16,595						16,595
105	MARS/USAF-FAA RADAR UPGRADE												
106	TAC SIGINT SUPPORT		4,544		4,544		4,544						4,544
107	DIST ERLY WARNING RDR/NORTH WARNING												
108	DRUG INTERDICTION PROGRAM												
109	IMAGERY TRANS		4,971		4,971		4,971				-4,700		271
110	TACTICAL WARNING SYSTEMS SUPPORT												
111	NORTH ATLANTIC DEFENSE C3												
112	AUTOMATIC DATA PROCESSING EQUIP		64,178		64,178		64,178						64,178
113	ADP OPERATIONS CONSOLIDATION		67,943		67,943		67,943						67,943
114	COMMAND & CONTROL SUPPORT												
115	WWMCCS/WIS ADPE		21,954		21,954		21,954				-3,360		18,594
116	MOBILITY COMMAND AND CONTROL		42,768		42,768		42,768						42,768
117	AIR FORCE PHYSICAL SECURITY SYSTEM		32,395		32,395		32,395						32,395
118	RANGE IMPROVEMENTS		35,053		35,053		35,053						35,053
119	C3 COUNTERMEASURES		9,985		9,985		9,985						9,985
120	BASE LEVEL DATA AUTO PROGRAM		32,948		32,948		32,948						32,948
121	AIR FORCE SATELLITE CONTROL NETWORK		32,505		32,505		32,505						32,505
122	AFMC CALS												
123	CONSTANT WATCH		5,228		5,228		5,228						5,228
124	CONSOLIDATED SPACE OPS CENTER												
125	EASTERN/WESTERN RANGE I&M		117,311		117,311		117,311						117,311
126	INFORMATION TRANSMISSION SYSTEMS												
127	TELEPHONE EXCHANGE		89,677		89,677		89,677						89,677
128	JOINT TACTICAL COMM PROGRAM												
129	USTRANSCOM												
130	USCENTCOM		1,951		1,951		1,951						1,951

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
131	AUTOMATED TELECOMMUNICATIONS PRG		10,195		10,195		10,195						10,195
132	MILSATCOM		85,338		85,338		85,338						85,338
133	SATELLITE TERMINALS		10,686		10,686		10,686						10,686
134	WIDEBAND SYSTEMS UPGRADE		2,032		2,032		2,032						2,032
135	MINIMUM ESSENTIAL EMER COMM NET		1,948		1,948		1,948						1,948
136	TACTICAL C-E EQUIPMENT		60,879		60,879		60,879						60,879
137	RADIO EQUIPMENT												
138	TV EQUIPMENT (AFRTV)		5,292		5,292		5,292						5,292
139	CCTV/AUDIOVISUAL EQUIPMENT		3,552		3,552		3,552						3,552
140	BASE COMM INFRASTRUCTURE		1,054		1,054		1,054						1,054
141	OPAF SPARES AND REPAIR PARTS		26,202		26,202		26,202						26,202
142	CAP COM & ELECT		194		600		294		306		406		600
143	ITEMS LESS THAN $2,000,000		12,653		12,653		12,653						12,653
144	COMM ELECT MODS		15,838		15,838		15,838						15,838
145	ANTIJAM VOICE		9,914		9,914		9,914						9,914
146	SPACE MODS		25,807		25,807		25,807						25,807
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP												
147	BASE/ALC CALIBRATION PACKAGE		9,821		9,821		9,821						9,821
148	NEWARK AFB CALIBRATION PACKAGE		1,571		1,571		1,571						1,571
149	ITEMS LESS THAN $2,000,000		11,350		11,350		11,350						11,350
150	NIGHT VISION GOGGLES		928		928		928						928
151	BREATHING APPARATUS TWO HOUR		5,074		5,074		5,074						5,074
152	CHEMICAL/BIOLOGICAL DEF PROG		7,117		7,117		7,117				-7,117		
153	ITEMS LESS THAN $2,000,000		4,855		4,855		4,855						4,855
154	BASE MECHANIZATION EQUIPMENT		11,346		11,346		11,346						11,346
155	AIR TERMINAL MECHANIZATION EQUIP		6,733		6,733		6,733						6,733
156	ITEMS LESS THAN $2,000,000		4,320		4,320		4,320						4,320
157	GENERATORS-MOBILE ELECTRIC		7,827		7,827		7,827						7,827
158	FLOODLIGHTS SET TYPE MF2D												
159	ITEMS LESS THAN $2,000,000		3,545		3,545		3,545						3,545
160	BASE PROCURED EQUIPMENT		19,047		19,047		19,047						19,047
161	NATURAL GAS UTILIZATION EQUIPMENT												
162	MEDICAL/DENTAL EQUIPMENT		9,720		9,720		9,720						9,720
163	ENVIRONMENT PROJECTS		39,219		39,219		39,219						39,219

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
164	AIR BASE OPERABILITY		12,847		12,847		12,847						12,847
165	PALLET AIR CARGO	7,830	6,655	7,830	6,655	7,830	6,655					7,830	6,655
166	NET ASSEMBLY, 108"X88"		1,949		1,949		1,949						1,949
167	PHOTOGRAPHIC EQUIPMENT		6,571		6,571		6,571						6,571
168	TACTICAL SHELTER		2,504		2,504		2,504						2,504
169	PRODUCTIVITY ENHANCEMENT		13,924		13,924		13,924						13,924
170	PRODUCTIVITY INVESTMENTS		11,953		11,953		11,953						11,953
171	MOBILITY EQUIPMENT		4,581		4,581		4,581						4,581
172	WARTIME HOST NATION SUPPORT		1,292		1,292		1,292						1,292
173	OPAF SPARES AND REPAIR PARTS		198		198		198						198
174	ITEMS LESS THAN $2,000,000		17,413		17,413		17,413						17,413
175	INTELLIGENCE PRODUCTION ACTIVITY		51,367		51,367		52,567		-1,200		-6,070		45,297
176	TECH SURV COUNTERMEASURES EQ		2,705		2,705		2,705						2,705
177	SR YR GROUND STATIONS		55,654		40,552		55,654		-15,102		-15,000		40,654
178	SELECTED ACTIVITIES		5,741,033		5,589,733		5,625,033		-35,300		-192,500		5,548,533
179	SPECIAL UPDATE PROGRAM		159,111		159,111		159,111						159,111
180	CONTRACT ADMINISTRATION/AUDIT		144,596								-144,596		
181	INDUSTRIAL PREPAREDNESS		1,352		1,352		1,352						1,352
182	MODIFICATIONS		2,027		2,027		2,027						2,027
183	FIRST DESTINATION TRANSPORTATION		14,278		14,278		14,278						14,278
	RAISE O&M PURCHASE THRESHOLD						-27,000		27,000				
	TOTAL OTHER PROCUREMENT AIR FORCE		7,942,065		7,621,793		7,610,888		10,905		-417,457		7,524,608

Chemical and biological defense equipment

The budget request included $7.1 million for the procurement of chemical and biological defense equipment.

The Department of the Air Force has informed the conferees that, because of lower than anticipated per-unit costs, it was able to procure significantly more items than projected with fiscal year 1993. Because of the increased purchases with prior year funds, the conferees agree that funds requested for fiscal year 1994 are not required.

PROCUREMENT, DEFENSE-WIDE

Overview

The budget request for fiscal year 1994 contained an authorization of $1,730.2 million for Procurement, Defense-wide. The House bill would authorize $2,177.1 million. The Senate amendment would authorize $2,045.0 million. The conferees recommend authorization of $3,050.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	PROCUREMENT, DEFENSEWIDE												
1	C-20F AIRCRAFT												
2	MOTOR VEHICLES												
3	MAJOR EQUIPMENT, OSD/WHS		62,420		62,420		21,120		41,300		-18,300		44,120
4	REMOTELY PILOTED VEHICLES		69,300		69,300		89,300		-20,000		20,000		89,300
5	CORPORATE INFORMATION MANAGEMENT SUPERCOMPUTERS		20,160		20,160		20,160						20,160
6	CONTRACT ADMINISTRATION/AUDIT OSD		6,158								-6,158		
6A	AIRBORNE RECON				38,900				38,900				
	SIGINT AIRCRAFT										161,225		161,225
	IMAGERY GROUND STATIONS										8,200		8,200
6B	SPACE BASED SURVEILLANCE				497,706				497,706		801,900		801,900
7	CLASSIFIED EQUIPMENT NSA		[ ]		[ ]		[ ]				[-30,300]		[ ]
8	CONTRACT ADMINISTRATION/AUDIT NSA		7,413								-7,413		
9	VEHICLES DNA	25	481	25	481	25	481					25	481
10	OTHER CAPITAL EQUIPMENT DNA	10	3,650	10	3,650	10	3,650					10	3,650
11	CONTRACT ADMINISTRATION/AUDIT DNA		67								-67		
12	WWMCCS ADP SYSTEMS		8,725		8,725		8,725						8,725
13	INFORMATION SERVICES TRANSFER		20		20		20						20
14	CONTRACT ADMINISTRATION/AUDIT DISA		1,368								-1,368		
15	ITEMS LESS THAN $2 MILLION DISA		44,162		44,162		44,162						44,162
16	DRUG INTERDICTION SUPPORT												
17	INDUSTRIAL/DEPOT MAINTENANCE EQUIP DIS												
18	INTEL & COMMUNICATIONS EQUIPMENT DIA		[ ]		[ ]		[ ]				[10,154]		[ ]
19	CONTRACT ADMINISTRATION/AUDIT DIA		760								-760		
20	DEFENSE SUPPORT ACTIVITIES DLA		3,377		3,377		6,177		-2,800		2,800		6,177
20A	CONTRACT ADMINISTRATION/AUDIT DLA				7,100				7,100				
21	COMMUNICATION EQUIPMENT DMA		5,925		5,925		5,925						5,925
22	ADP EQUIPMENT DMA		2,475		2,475		2,475						2,475
23	VECTOR PRODUCT EQUIPMENT		2,750		2,750		2,750						2,750
24	DEVELOPMENT TEST FACILITY		17,500		17,500				17,500		-7,500		10,000
25	MC & G MAINFRAME UPGRADE		2,200		2,200		2,200						2,200
26	VEHICLES DMA		365		365		365						365
27	CONTRACT ADMINISTRATION/AUDIT DMA		666								-666		

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
28	OTHER CAPITAL EQUIPMENT DMA		18,788		18,788		18,788						18,788
29	GEODESY AND GEOPHYSICAL EQUIPMENT												
30	DEFENSE HYDROGRAPHIC EQUIPMENT		3,725		3,725		3,725						3,725
31	VEHICLES DIS		3,164		3,164		3,164						3,164
32	OTHER CAPITAL EQUIPMENT DIS		1,919		1,919		1,919						1,919
33	CONTRACT ADMINISTRATION/AUDIT DIS		104								-104		
34	ITEMS LESS THAN $2 MILLION USUHS												
35	ITEMS LESS THAN $2 MILLION DCAA						4,300		-4,300				
36	MAJOR EQUIPMENT , DSPO		170,368		170,368		170,368						170,368
37	MAJOR EQUIPMENT (DSPO)		186,233		156,233		186,233		-30,000		-20,000		166,233
38	CONTRACT ADMINISTRATION/AUDIT DSPO		3,300								-3,300		
39	MAJOR EQUIPMENT, OJCS		50,270		50,270		50,270						50,270
40	CONTRACT ADMINISTRATION/AUDIT OJCS		412								-412		
41	VEHICLES OSIA	4	106	4	106	4	106			-4	-106		
42	OTHER CAPITAL EQUIPMENT OSIA		935		935		935				-896		39
43	CONTRACT ADMINISTRATION/AUDIT OSIA		120								-120		
44	PATRIOT		120,719		120,719		120,719						120,719
45	MAJOR EQUIPMENT, CIO		[ ]		[ ]		[ ]				[-3,000]		[ ]
	COALITION COMMUNICATIONS EQUIPMENT FUN						20,000		-20,000				
	CLASSIFIED PROGRAM C3I						336,176		-336,176		226,176		226,176
	HIGH PERFORMANCE COMPUTING						122,819		-122,819		122,819		122,819
	MENTOR-PROTEGE PROGRAM						50,000		-50,000		50,000		50,000
	UNDISTRIBUTED												
999	CLASSIFIED PROGRAMS		459,385		426,685		360,285		66,400		-23,146		436,239
	SPECIAL OPERATIONS COMMAND												
46	MC-130H COMBAT TALON II		23,699		23,699		23,699						23,699
47	AC-130U GUNSHIP ACQUISITION		27,489		27,489		27,489						27,489
48	C-130 MODIFICATIONS		63,819		63,819		63,819						63,819
49	HH-53 MODIFICATIONS		13,725		13,725		13,725						13,725
50	MH-47/MH-60 MODIFICATIONS		7,603		7,603		7,603						7,603
51	MH-60 MODIFICATIONS												
52	OTHER AIRCRAFT MODIFICATIONS												
53	AIRCRAFT SUPPORT		30,227		30,227		30,227				4,500		34,727
54	PC,CYCLONE CLASS		13,369		13,369		13,369						13,369

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
55	SUBMARINE CONVERSION		366		366		366						366
56	MK V PATROL BOAT		9,044		9,044		9,044						9,044
57	SOF PYRO/DEMO		12,568		12,568		12,568				4,400		16,968
58	SOF PLATFORM GUN AMMUNITION		19,032		19,032		19,032				6,600		25,632
59	SOF INDIV WEAPONS AMMUNITION		12,597		12,597		12,597						12,597
60	CONTRACT ADMIN & AUDIT ACTIVITIES SOF		13,720								-13,720		
61	COMM EQUIPMENT & ELECTRONICS		40,075		40,075		40,075				15,000		55,075
62	SOF INTELLIGENCE SYSTEMS		26,665		26,665		26,665						26,665
63	SOF SMALL ARMS & WEAPONS		2,188		2,188		2,188				1,000		3,188
64	SPECIAL WARFARE EQUIPMENT		17,743		17,743		17,743						17,743
65	MISCELLANEOUS EQUIPMENT		4,232		4,232		4,232						4,232
66	SOF PLANNING AND REHEARSAL SYS (SOFPAR		10,491		10,491		10,491						10,491
67	CLASSIFIED PROGRAMS		95,654		95,654		95,654						95,654
68	PSYOP EQUIPMENT		6,368		6,368		6,368						6,368
	RAISE O&M PURCHASE THRESHOLD						-49,300		49,300				
	DEFENSE CONVERSION												
	TOTAL PROCUREMENT DEFENSE-WIDE		1,730,164		2,177,082		2,044,971		132,111		1,320,584		3,050,748

Development test facility

The budget request included $17.5 million to procure a development test facility for the Defense Mapping Agency (DMA).

The House bill approved the requested amount.

The Senate amendment denied the requested amount because this facility would duplicate capabilities in private industry. Therefore, it would be incompatible with the Administration's policy to rely on the private sector where possible.

The conferees agree to reduce the requested amount by $7.5 million without prejudice. The conferees are persuaded that it is necessary for DMA to bring the planning work in-house rather than continue to try to contract it out. The conferees understand, however, that the effort is now expected to cost less than originally forecast.

Landsat Earth Resources Satellite

Last year, the Department of Defense assumed responsibility for acquiring and operating the space segment of the Landsat earth resources system, while the National Aeronautics and Space Administration (NASA) assumed responsibility for the ground segment.

The defense budget request included substantial funds to continue development of an adjunct payload on the next Landsat satellite. This sensor, known as the high resolution multispectral imager (HRMSI), will provide improved resolution and a tasking capability. While this sensor is useful for defense missions, it is also valuable to the civil and commercial sectors.

The NASA budget request included funds for advanced technology that NASA planned to apply to developing the software and hardware needed to process and exploit the data from the HRMSI sensor. Reductions in the NASA budget have eliminated this option, and the recently enacted NASA appropriations bill contained no funding for this program.

The conferees are very concerned about this situation. There is no point in acquiring a satellite sensor that cannot be used. Moreover, the conferees will not permit the defense budget to subsidize another joint program with NASA when NASA does not meet its assigned fiscal responsibilities. The conferees, therefore, direct the Administration to decide which federal agency will fund HRMSI data processing, and include funds for HRMSI data processing in the President's budget request for either NASA or the Department of Defense. If no budget request for HRMSI data processing is received for fiscal year 1955, the conferees agree to terminate future funding for the HRMSI sensor.

Special operations forces procurement

The budget request contained $450.7 million for procurement for the U.S. Special Operations Command.

The House bill and Senate amendment would authorize $436.954 million for this purpose.

The conferees recommend an authorization of $468.454 million for procurement for the U.S. Special Operations Command. The conferees recommend the following additions to the amount authorized by the House bill and the Senate amendment: $1.0 to procure modified M4 carbines; $4.4 million to procure selectable lightweight attack munitions; $6.6 million to procure 25mm enhanced high-explosive incendiary rounds for the AC–130U gunship; $4.5 million to prccure interim contract support for several C–130 modification programs; and $15.0 to procure team-level communications equipment.

PROCUREMENT, NATIONAL GUARD AND RESERVE EQUIPMENT

Overview

The budget request for fiscal year 1994 contained no funds for Procurement, National Guard and Reserve Equipment. The House bill would authorize $993.3 million. The Senate amendment would authorize $785.0 million. The conferees recommend authorization of $990.0 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	NATIONAL GUARD & RESERVE EQUIPMENT												
	RESERVE EQUIPMENT												
	ARMY RESERVE												
1	SINCGARS RADIOS										5,000		5,000
2	NIGHT VISION										5,000		5,000
3	TACTICAL TRUCKS				25,000				25,000				
4	C-12F AIRCRAFT												
5	MISCELLANEOUS EQUIPMENT				10,000				10,000		10,000		10,000
6	COMMUNICATIONS ELECTRONICS AR				15,000		15,000				5,000		5,000
	CONSTRUCTION/TRANSPORTATION EQUIP AR						25,000		-25,000				
	MEDICAL EQUIPMENT ARMY RES						25,000		-25,000				
7	EXTERNAL FUEL TANKS												
	ENGINEERING EQUIPMENT				15,000				15,000				
	WATER DIST EQUIP (A/C SPL EQUIP/IFF)				11,500				11,500		10,000		10,000
	GRENADE LAUNCHER MK 19-3			350	4,800			350	4,800				
8	PLS/HEMTT TRUCKS												
	HET TRUCKS												
	AUTOMATIC BUILDING MACHINES												
	TUG BOATS												
	D-9 BULLDOZER										15,000		15,000
	NAVY RESERVE												
9	MISCELLANEOUS EQUIPMENT				30,000				30,000		10,000		10,000
	AIRCRAFT TRAINERS & SIMULATORS				15,000				15,000				
	COMMUNICATIONS ELECTRONICS NR						15,000		-15,000				
	CONSTRUCTION/TRANSPORTATION EQUIP NR						15,000		-15,000		15,000		15,000
	MEDICAL EQUIPMENT NAVY RES						25,000		-25,000				
10	AN-SQQ/T1 TRAINER												
	F/A-18 SUPPORT												
	ALR-67(V)2												
11	HH-60H UPGRADE KITS				52,500				52,500		25,000		25,000
12	C-130T AIRCRAFT												
13	MH-53 HELICOPTERS												
	EW EQUIPMENT				25,000				25,000				
14	LAMPS MK-1 ASW UPGRADE												

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
15	P-3 UPGRADES												
16	MIUW VANS												
	PORTABLE COMMUNICATION EQUIP				9,300				9,300		10,000		10,000
	C-9 MODS				25,000				25,000				
17	FFG-7 DISPLAY SYS												
18	DRUG INTERDICTION												
MARINE CORPS RESERVE													
19	MISCELLANEOUS EQUIPMENT				26,000				26,000		5,000		5,000
	COMMUNICATIONS ELECTRONICS MCR						10,000		-10,000				
	CONSTRUCTION/TRANSPORTATION EQUIP MCR						10,000		-10,000		5,000		5,000
20	C-20 AIRCRAFT												
21	KC-130T AIRCRAFT MODS				24,500				24,500		10,000		10,000
22	AH-1W COBRA AIRCRAFT												
23	NIGHT VISION DEVICES										5,000		5,000
	SINCGARS RADIOS										5,000		5,000
	FIREARMS TRAINING SYSTEM												
24	COMM EQUIPMENT				15,000				15,000		5,000		5,000
AIR FORCE RESERVE													
25	MISCELLANEOUS EQUIPMENT				30,000				30,000		25,000		25,000
	COMMUNICATIONS ELECTRONICS AFR						25,000		-25,000				
	MEDICAL EQUIPMENT AF RES						25,000		-25,000				
26	C-130 AIRCRAFT			8	200,000			8	200,000	8	225,000	8	225,000
	C-130 SIMULATOR												
	FIREARMS TRAINING SYSTEM												
27	MH-60G HELO												
28	DRUG INTERDICTION												
NATIONAL GUARD EQUIPMENT													
ARMY NATIONAL GUARD													
29	MISCELLANEOUS EQUIPMENT				30,000				30,000		5,000		5,000
	CONSTRUCTION/TRANSPORTATION EQUIP ARNG						35,000		-35,000		10,000		10,000
	MEDICAL EQUIPMENT ARMY NG/UH-60Q HELO						25,000		-25,000		25,000		25,000
	HET TRUCKS												
30	UH-60 HELICOPTERS												
31	CH-47 MODS				9,400				9,400				

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	CH-47 SIMULATOR												
	CH-47 FADEC UPGRADE										10,000		10,000
32	M915/916 TRUCKS												
33	5 TON TRUCKS												
34	MEDIUM TACTICAL TRUCKS (SLEP)				50,000				50,000		50,000		50,000
35	M113 ARMORED PERSONNEL CARRIER												
36	C-23 AIRCRAFT												
37	C-23 SIMULATOR												
38	M-9 ACE				50,000				50,000		50,000		50,000
	FAASV				50,000				50,000				
39	EXTERNAL FUEL TANKS												
40	C-26 AIRCRAFT												
41	C-212 AIRCRAFT												
42	P-180												
43	MLRS LAUNCHERS												
44	MLRS BN SPT EQUIPMENT												
45	NIGHT VISION DEVICES				25,000				25,000		25,000		25,000
45A	NIGHT VISION DRIVERS VIEWERS				10,000				10,000		10,000		10,000
46	COMMUNICATIONS ELECTRONICS ARMY NG				25,000		25,000				10,000		10,000
47	TCT UPGRADE												
48	SQ TRAINING DEVICES												
	IFTE				10,000				10,000				
49	FIREARMS TRNG EQPT												
	CHEM/BIO EQUIPMENT				10,000				10,000				
	GRENADE LAUNCHER M19-3			350	4,800			350	4,800				
50	ELECTRONIC TANDEM NETWORK				475				475				
	LOG SUPPORT EQUIPMENT				5,000				5,000				
	MATERIAL HANDLING EQUIPMENT				5,000				5,000		5,000		5,000
51	SINCGARS RADIOS										10,000		10,000
	UPGRADE CIVIL ENGINEERING EQUIPMENT												
	AUTOMATIC BUILDING MACHINES												
52	AH-1 MODS												
	AN/PSG-7 DIGITAL DATA SET												
	MOVING TARGET SIMULATOR				5,000				5,000				

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	AIR NATIONAL GUARD												
53	TACTICAL AIRLIFT AIRCRAFT					8	250,000	-8	-250,000	8	225,000	8	225,000
	KC-135 RADAR UPGRADE				15,000				15,000		15,000		15,000
54	C-26 AIRCRAFT												
55	MH-60G HELICOPTERS												
56	F-16 MODIFICATIONS				12,000				12,000				
57	F-15 MSIP				30,000				30,000		15,000		15,000
58	F-15/F-16 ENGINE UPGRADES				35,000				35,000				
59	F-15 ALE-40												
	LOCASS												
	APX-109												
60	MCE/TASCI				5,000				5,000				
61	DRUG INTERDICTION												
	COMMUNICATIONS ELECTRONICS ANG						35,000		-35,000				
62	TAC AIR CONTROL IMPROVEMENTS												
	RESERVE COMPONENT SIMULATION EQUIPMENT						75,000		-75,000		75,000		75,000
	TACS ARMS DECOYS				20,000				20,000				
	FIREARMS TRAINING EQUIPMENT												
	COMM EQUIPMENT				23,000				23,000				
	MISC EQUIPMENT				30,000				30,000		5,000		5,000
	AIRCRAFT REPLACEMENT & MODERNIZATION						150,000		-150,000		50,000		50,000
	TOTAL GUARD AND RESERVE PROCUREMENT				993,275		785,000		208,275		990,000		990,000

National Guard and Reserve equipment

The budget request included no procurement funds in the National Guard and Reserve equipment account. The request for various procurement accounts included $1,555.7 million which was designated for the Reserve components.

The House bill would authorize $993.3 million specifically for National Guard and Reserve equipment procurement.

The Senate amendment would authorize $785.0 million for these purposes. The Senate report (S. Rept. 103–112) expressed the belief that the end of the Cold War provides an opportunity for the armed forces to make a greater contribution in addressing critical domestic problems. The Senate amendment would provide additional funds for broad categories, including medical equipment, aviation and aeromedical equipment, construction and transportation equipment, and electronic and communications equipment. The Senate report would direct the Chief of the National Guard Bureau and the head of each service reserve component to survey field units to identify the equipment they need to support domestic missions.

The conferees agree to provide $990.0 million for National Guard and Reserve equipment procurement. The conferees agree to provide some of the funds in the broad, generic categories as recommended by the Senate. The conferees direct the Department of Defense to survey the requirements described in the Senate report and to provide a report to the congressional defense committees on the results of that survey before April 15, 1994.

The conferees expect the Secretary of Defense to review these reports to determine whether there may be higher priorities for the funds than the ways they are allocated in this statement of managers. The conferees expect the Secretary to seek a reprogramming of these funds if he believes that there is a more productive way to spend the funds for modernizing the National Guard and Reserves.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

Overview

The budget request for fiscal year 1994 contained an authorization of $125.5 million for Chemical Agents and Muhitions Destruction, Defense. The House bill would authorize $114.5 million. The Senate amendment would authorize $442.9 million. The conferees recommend authorization of $379.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request Quantity	FY1994 Request Amount	House FY1994 Authorization Quantity	House FY1994 Authorization Amount	Senate FY1994 Authorization Quantity	Senate FY1994 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY94 Authorization Quantity	Conference FY94 Authorization Amount
	CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY												
1	CHEM DEMILITARIZATION - PROC		125,486								-125,486		
2	CHEM DEMILITARIZATION - O&M		308,161								-308,161		
	TOTAL CHEMICAL DESTRUCTION		433,647								-433,647		
	CHEM AGENTS & MUNITIONS DESTRUCTION, DEF												
1	CHEM DEMILITARIZATION - RDTE										26,600		26,600
2	CHEM DEMILITARIZATION - PROC				114,500		134,786		-20,286		72,600		72,600
3	CHEM DEMILITARIZATION - O&M				308,161		308,161				280,361		280,361
	TOTAL CHEMICAL DESTRUCTION				422,661		442,947		-20,286		379,561		379,561

Reserve components (sec. 106)

The House bill contained a provision (sec. 107) that would direct the Secretary of the Army to ensure that, of the total number of multiple launch rocket systems acquired with Army procurement funds, one battalion set shall be made available to the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Chemical demilitarization programs (sec. 107)

The budget request included $433.6 million for the chemical demilitarization program. Out of the request, $308.1 million was for Army operation and maintenance (O&M) and $125.5 million was for Army procurement.

The House bill contained provisions that would authorize $114.5 million for procurement (sec. 108) and $308.1 million for operation and maintenance (sec. 301).

The Senate amendment contained a provision (sec. 107) that would authorize $442.9 million for the chemical demilitarization program.

The House recedes with an amendment that would authorize $379.6 million for the chemical demilitarization program. The conferees agree that funds for this program should continue to be provided in a separate DOD account as directed by section 1412(f) of Public Law 99-145 and not in the budget accounts of any military department. Therefore, the conferees transfer the funds contained in the fiscal year 1994 Army budget requests for the chemical demilitarization program to a separate DOD account.

The conferees authorize $26.6 million in research and development funds for the development and testing of equipment to determine its suitability to destroy nonstockpile chemical munitions. In the event additional funds are necessary for research and development of alternative destruction technologies, the conferees will consider a reprogramming request which uses available sources other than those authorized and appropriated for the chemical demilitarization program. The conferees also agree to amend section 151(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 to include oversight as a purpose for which the federal government may provide funds through cooperative agreements with states and local governments.

Denial of multiyear procurement authorization (sec. 109)

The House bill contained a provision (sec. 110) that would deny the Secretary of the Navy authority to enter into a multiyear procurement contract to procure F-18C/D aircraft.

The Senate amendment contained no similar provision.

The Senate recedes.

Procurement of helicopters (sec. 111)

The House bill contained a provision (sec. 111) that would authorize the procurement of 10 AH-64 helicopters, notwithstanding the prohibition contained in section 132(a)(2) of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 101-189). The provision also would authorize the expenditure of up to $225.0 million to procure 36 OH-58D AHIP Scout aircraft, notwithstanding the prohibition contained in the same provision of law.

The Senate amendment contained no similar provision.

The Senate recedes with regard to AH-64 helicopters.

The Senate also recedes with an amendment to the AHIP Scout aircraft provision. The conferees agree to authorize $112.5 million to procure 18 OH-58D AHIP Scout aircraft.

Light utility helicopter modernization (sec. 112)

The Department of the Army's fiscal year 1994 budget request did not contain a plan for a specific modernization or replacement of UH-1 helicopters in spite of congressional direction to do so in the statement of managers (H. Rept. 102-966) accompanying the National Defense Authorization Act for Fiscal Year 1993.

The Senate amendment would provide $5.0 million in research and development funds for the Army, in conjunction with the National Guard Bureau, to study the most cost-effective and affordable solution to upgrading the UH-1 fleet.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees are disappointed that the Secretary of the Army chose to ignore the fiscal year 1993 congressional direction. Because the conferees have no confidence that the Army will conform with the previous direction, they agree to a provision that would direct the Secretary of the Army to coordinate with the Chief of the National Guard Bureau to conduct a thorough study of light helicopter modernization requirements, including: life cycle costs; capability requirements; and, if required, development of an acquisition strategy—providing for full and open competition—for pursuing a cost-effective modernization program. The conferees direct the Department of the Army to fund this study effort from available resources.

The conferees further direct the Secretary of the Army to submit his recommendations based on this study to the congressional defense committees by April 15, 1994. The provision also would prohibit the obligation of any funds in support of a light helicopter modernization program until 30 days after delivery of the recommendations.

Chemical agent monitor (secs. 113 and 114)

The Senate amendment contained a provision (sec. 113) that would prohibit the obligation of funds appropriated for fiscal year 1993 for the procurement of the improved chemical agent monitor (ICAM). The Senate amendment also contained a provision (sec. 112) that would authorize funds appropriated for fiscal year 1993 for the ICAM to be used for the procurement of M40/42 nuclear, biological, and chemical protective masks.

The House bill contained no similar provisions.

The House recedes.

The conferees agree to authorize the fiscal year 1994 request of $1.9 million for the ICAM. The conferees remain concerned with the reliability of the chemical agent monitor (CAM). The conferees direct the Secretary of Defense to study the operation effectiveness of the CAM and ICAM and submit a report on his findings to the congressional defense committees no later than April 1, 1994. The Secretary shall inform the congressional defense committees of the official to whom he has delegated the responsibility of preparing the report 30 days after enactment of this act. The report should include, but not be limited, to the following:

(1) An analysis of the chemical agent monitor's operational effectiveness during Operation Desert Shield/Desert Storm;

(2) Its use in support of the U.N. chemical weapons dismantlement operations in Iraq;

(3) Chemical weapons transportation operations conducted by the U.S. Army's Technical Escort Division;

(4) A comparison of the chemical agent monitor's capabilities during operational use with the specifications outlined in the original and amended required operational capabilities document; and,

(5) An evaluation of the ICAM operational testing.

Close tactical trainer quickstart program (sec. 115)

The Senate amendment contained a provision (sec. 114) that would authorize the Department of Defense to reprogram funds to initiate procurement of close tactical trainer simulators in fiscal year 1994, subject to normal reprogramming procedures.

The provision would effectively authorize a new start through reprogramming procedures. The Senate included the provision to permit the Army to begin this program during the fiscal year if the Army could identify offsetting funds. This provision would be required because the budget request did not contain a procurement line item for this program in fiscal year 1994. Normal reprogramming procedures would preclude reprogramming funds in fiscal year 1994, in the absence of a procurement line item in the approved budget.

The House bill contained no similar provision.

The House recedes with an amendment.

Attack submarine programs (sec. 121)

The House bill contained a provision (sec. 122) that would place several requirements on the Department of Defense regarding attack submarine programs. The provision would require the Secretary of Defense to submit to the congressional defense committees: (1) cost estimates for producing SSN-21 and SSN-22 submarines; (2) the cost and operational effectiveness analysis (COEA) for the new attack submarine program; and (3) a report on how the Department intends to spend the $540.2 million appropriated in fiscal year 1992 for preserving the submarine construction industrial base. The provision would also authorize retroactively the $540.2 million appropriated for this purpose.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees do not recommend legislative restrictions on research and development funding of the new attack submarine because the Department has already delivered a COEA.

The conferees agree to a provision that would limit the obligation of any of the $540.2 million for either advance procurement of long lead items for SSN-23, or settlement of claims arising from cancellation of the *Seawolf* program last year. The cancellation affected components of SSN-23 and later *Seawolf*-class ships. If the Navy finds that the Department needs to use some of the $540.2 million for settling these claims, the provision would allow that action. None of these funds, however, could be used for new work on any additional *Seawolf*-class submarines.

The conferees recognize that the Department has concluded its Bottom-Up Review. The Bottom-Up Review included an analysis of the submarine industrial base that the conferees would rather have had available last year when the *Seawolf* cancellation was proposed. The results of that analysis apparently confirm that protecting the submarine industrial base is very important.

The Bottom-Up Review has concluded that building the next *Seawolf* submarine (SSN-23) is the best way to protect the submarine industrial base while the Department develops the next generation attack submarine.

The conferees reserve judgment on reauthorizing SSN-23 until the Secretary of Defense requests an authorization in a future budget that fully funds SSN-23 and includes appropriate termination and close out activities for the Seawolf program.

Trident II missile (sec. 122)

The House bill contained a provision (sec. 153) that would provide funding for the Trident II (D-5) missile program and would require the Secretary of Defense to study the options for meeting the START II Treaty limits.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Study of Trident missile submarine programs (sec. 123)

The House bill contained a provision (sec. 154) that would require the Secretary of Defense to study the cost-effectiveness of backfitting Trident II missiles into those Trident ballistic missile submarines that now contain Trident I missiles.

The Senate amendment contained no similar provision.

The Senate recedes.

MK-48 ADCAP torpedo (sec. 124)

The budget request included $100.1 million to procure 108 MK-48 advanced capability (ADCAP) torpedoes. The fiscal year 1994 program would be the last year of a three year multiyear procurement for these weapons.

The House bill would provide only $28.1 million for this program and would cancel the multiyear procurement.

The Senate amendment authorized the requested amount.

The House recedes. The conferees believe that new production of the MK-48 ADCAP should be terminated at the conclusion of the current multiyear contract. Therefore, the conferees agree to a provision that would terminate the programs.

SSN acoustics (sec. 125)

The budget request included $27.2 million for attack submarine (SSN) acoustics for fiscal year 1994.

The House bill would not authorize any funds for SSN acoustics. The House report (H. Rept. 1013-200) expressed concern that the Navy does not have a coherent plan for adapting submarine acoustic sensors, including towed arrays, hull-mounted sensors, and active sonar systems, for operations in littoral waters.

The Senate amendment would approve the requested amount.

The conferees agree to provide $27.2 million, but recommend a provision that would restrict obligation of $13.0 million of this amount until the Secretary of the Navy develops a submarine acoustics master plan and provides that plan to the congressional defense committees.

Long-term lease authority for certain vessels (sec. 126)

The House bill contained a provision (sec. 123) that would permit the Secretary of the Navy to enter into a long-term lease or charter for a double-hull tanker or oceanographic vessel built with government assistance after enactment of the National Defense Authorization Act for Fiscal Year 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Long-term lease authority for certain roll-on/roll-off vessels (sec. 127)

The House bill contained a provision (sec. 124) that would permit the Secretary of the Navy to enter into long-term leases or charters for up to five roll-on/roll-off vessels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree that the lease authority should not be open-ended. Therefore, the conferees recommend a provision that would terminate this authority on June 15, 1995.

The conferees intend that the Navy be able to use these vessels to preposition material and equipment aboard ships. The conferees do not intend that any vessels leased under this provision be used to compete with commercial carriers that transport peacetime DOD cargoes in their regularly scheduled liner service. The conferees use the phrase "related point-to-point service" to refer to the current practice of: (1) transporting equipment and material aboard ship and resupplying such items aboard ship following delivery of any such material; and (2) using these ships in contingencies, exercises, and humanitarian relief operations. The conferees do not construe the phrase "related point-to-point service" to apply to support for prepositioned equipment and material based on land.

F-14 aircraft upgrade program (sec. 128)

The budget request contained $116.2 million for F-14 aircraft modifications and $72.0 million for development. Both of these requested amounts support an F-14A/B upgrade plan. The Navy has started retiring the A-6 all-weather, medium attack bomber. The Navy intends to upgrade the F-14 fleet to replace some of the strike capability that will be lost with the A-6 retirement. Under the Navy's plan, different portions of the F-14 fleet of "A," "B," and "D" model aircraft would be provided with different capabilities.

The House bill would add $78.0 million to the development request. The House report (H. Rept. 103-200) directed the Navy to cancel the F-14A/B upgrade and replace it with a program to modify existing F-14D aircraft. The report directed the Navy to design a modification that would give F-14D aircraft capabilities equivalent to those of the Air Force F-15E Strike Eagle. The House bill would fully fund the request for modifications.

The Senate amendment would fund the F-14 research and development request, but would add $175.0 million to the modification account. The Senate report (S. Rept. 103-112) directed the Navy to use these funds to begin a modification program to provide F-14 aircraft with an advanced ground attack capability. S0634

The Navy's F-14 strike upgrade plan may have been adequate at the time it was developed. Its aim was to serve as a complement to the A-6, or as an interim bridge to the AFX aircraft. The Navy, however, accelerated plans to retire the A-6 aircraft. The Department has terminated AFX development. Moreover, the so-called joint advanced strike technology (JAST) program is focused on developing technology for use in 2015. Consequently, the Navy probably will not deploy a new strike aircraft before 2015 to 2020. By default, the F-14 will be the Navy's only deep-strike aircraft for many years.

Because of the uncertainty about when a replacement aircraft will be available, the F-14 must have a more robust air-to-ground capability than the Navy plan originally envisioned. The conferees believe that, if power projection from aircraft carriers is to remain viable, the resulting F-14 must provide a capability similar to that provided by the F-15E Strike Eagle.

Accordingly, the conferees agree to provide $150.0 million for research and development funding and direct the Secretary of the Navy to initiate a comprehensive upgrade program to provide F-15E-like capabilities for at least 54 F-14D aircraft as the goal configuration of a building block mix. The conferees believe that such a program must result in an F-14 fleet that has the capability to use modern stand-off, air-to-ground weaponry.

The conferees understand the fiscal constraints on converting the entire F-14 fleet to a single configuration. Nevertheless, the conferees believe that using a "building block" approach will allow the Navy to simultaneously upgrade the disparate F-14 configurations and facilitate ultimate conversion to an F/A-14D if funding permits.

The conferees also agree to provide $165.0 million for long-lead procurement for such items as upgraded engines, self-protection jammers, night vision equipment, and other upgrades which contribute to the transition toward a single, integrated, building block F-14 upgrade program. The conferees direct the Navy to discontinue the F-14A/B upgrade requested in the budget, but expect that the Navy may pursue digital avionics enhancements contained in the original F-14A/B upgrade program as a subset of a building block plan.

The conferees recommend a provision that would restrict obligation of any fiscal year 1994 procurement funds pending delivery of a report to the congressional defense committees on this upgrade program. The Secretary of the Navy would not be able to obligate these funds until 30 days after he provides a report to the congressional defense committees that includes the following information: (1) a description of the F/A-14D (F-15E-like) goal configuration; (2) a schedule for conversion of the current F-14D fleet to the goal configuration; (3) a description of a narrower subset of F-14 configurations which conform to a building block upgrade approach; (4) the total number, by type, of aircraft to be converted; and (5) a funding plan for implementing this upgrade program.

B-2 bomber (sec. 131)

The budget request contained $626.2 million for B-2 bomber procurement and $285.1 million for initial spares.

The House bill and the Senate amendment contained provisions (sec. 151 and sec. 122, respectively) that would fully fund the request. Each provision, however, would place certain limitations on the obligation of these funds. The House bill would limit the obligation of all funds until the Secretary of Defense made numerous certifications, 30 days passed, and an act that would authorize obligation of the funds was enacted. The House bill also would prohibit the development of the GATS/GAMS relative targeting system on the B-2.

The Senate amendment also would limit the obligation of all funds pending receipt of the same certifications, plus the satisfaction of two conditions regarding B-2 warranties and contract definitization. The Senate amendment also contained provisions that would limit the B-2 program to 20 operational aircraft and limit the program's total acquisition cost to $28.968 billion in fiscal year 1981 dollars.

The House recedes with an amendment that would delete the Senate provision that provided for an increase in funds above the program cost cap if certain conditions are met. The conferees, therefore, would restrict the obligation of funds only to contracts or contract modifications, that in the aggregate, limit the government's total B-2 program liability to $28,968 billion (in constant fiscal year 1981 dollars) while providing for no more than 20 deliverable aircraft and appropriate termination costs. The cost cap expressed in constant fiscal year 1981 dollars is

equivalent to $44.4 billion in then-year dollars, which is the official Air Force acquisition cost estimate for the planned B-2 program. the conferees expect the Comptroller General to report to the congressional defense committees at regular intervals on the total acquisition costs of the B-2 bomber program through the remainder of the aircraft production program. Therefore, the conferees direct the Secretary of the Air Force to provide the Comptroller General, on a timely basis, such information on B-2 program costs as may be required to conduct an ongoing review of B-2 program costs. The information shall include individual cost breakouts for research, development, test and evaluation, aircraft procurement, all planned modifications and retrofits, tooling, preplanned product improvements, support equipment, interim contractor support, initial spares, and government liability associated with termination costs and other government costs.

The conferees further agree to allow the Air Force to proceed with a GPS aided targeting system (GATS) for the B-2, consistent with the Secretary of the Air Force's October 5, 1993 letter to the congressional defense committees.

Finally, the conferees agree to release for obligation B-2 bomber procurement funds which were restricted by the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102-190) and the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

B-1B bomber (secs. 132 and 212)

The budget request contained $213.3 million for procurement and $93.5 million for research, development, test and evaluation (RDT&E) for the B-1B bomber.

The House bill would provide $263.4 million for procurement (sec. 152) and $180.5 million for RDT&E (sec. 223).

The Senate amendment would provide $177.3 million for procurement (sec. 121) and $43.5 million for RDT&E (sec. 213).

The conferees recommend $272.3 million for procurement and $49.0 million for RDT&E for the B-1B bomber program. In addition, the conferees agree to require the Secretary of the Air Force to develop a plan to test B-1B operational readiness rates.

Out of the procurement funds authorized for the B-1B bomber, up to $165.0 million shall be available for interim contractor support (ICS), up to $46.5 million shall be available for deferred logistics support equipment, and up to $20.0 million shall be available to meet the incremental costs above those costs normally covered by operations and support funds for the required test program. Within available funds, the conferees direct that safety-of-flight modifications be fully funded.

Within the RDT&E funds authorized for the B-1B bomber, the Secretary is directed to test the feasibility of implementing the GATS relative targeting system on the B-1B bomber, with particular emphasis on whether the existing B-1B bomber radar is capable of performing sufficiently precise relative targeting without expensive radar modifications. The congressional defense committees expect to be kept fully informed of the results of such tests.

Out of the RDT&E funds authorized for the B-1B bomber, up to $7.2 million may be made available to carry out the Air Force's planned fiscal year 1994 electronic countermeasures (ECM) program, together with up to $31.0 million of unobligated prior year balances. The ECM program should emphasize the exploration of whether existing ECM systems could be adapted relatively quickly and inexpensively into the B-1 platform to provide, at a minimum, at least the same degree of survivability at medium altitude and above as the B-52 enjoys today.

Within the remaining R&D funds, the conferees recommend that, to the extent possible, those modifications necessary for the early incorporation of the JDAM munition on the B-1 bomber be accorded priority in the allocation of funds.

The conferees further agree to recede from all limitations on the obligation of both procurement and RDT&E funding for the B-1B bomber contained in the Senate amendment.

OPERATIONAL READINESS TEST PLAN

The conferees have attempted to break the longstanding impasse between the House of Representatives and the Senate over the B-1 bomber program. The House conferees recognize the need to more clearly define the cost and effectiveness of proposed fixes, upgrades, and conventional weapons integration for the B-1B. The Senate conferees recognize that the B-1B force constitutes an irreplaceable stock of heavy bomber airframes which must be given improved conventional weapons capability in order to meet possible near-term contingencies. The issues for both sets of conferees are to develop options addressing these issues: "How much improvement?" and "What will it cost?" To begin to address these issues, the conferees direct the Secretary of the Air Force to develop and implement a test plan designed to determine whether the Air Force's planned level of B-1B spares, logistics support equipment, and maintenance manning, once attained, will be adequate to achieve the high operational readiness rates required to support the planned use of the B-1 in future conflicts.

The conferees envision concentrating at one base for one B-1 wing the planned level of spares and maintenance support and equipment to observe whether or not, over a period of at least six months, the planned level of support is adequate to produce the planned Air Force operational readiness rate of 75 percent. This is a test of self-contained, on-base sufficiency. Parts and equipment that would normally be repaired at depots or other off-base sites will be sent for repair, and replacements will be provided consistent with planned lead-times. This is not intended to be, and cannot be, a test of depot-level activity.

There are several potential problems with the conduct of such a test. Currently, a large backlog of unrepaired spare parts has arisen as a result of a shortfall in ICS funds. Some months will be required to substantially reduce that backlog, before which a test of the type envisioned would be imprudent. Even with reduced backlogs, the plan to concentrate the planned level of spare parts and other support at *one* wing will likely require some drawdown in the stocks at the other bases. This, at a minimum, could further reduce readiness levels at non-test bases and, at worst, affect aircrew proficiency at those bases. Also, some B-1 aircraft are undergoing safety-of-flight modifications which affects airframe availability, and the Air Force has a seven-point "reliability and maintainability" (R&M) upgrade program underway. Thus, the B-1 fleet is not homogeneous and the reliability improvements from the R&M program are not yet realized.

The conferees seek an unbiased test. Therefore, the test conditions must broadly represent the fleetwide capability at maturity. While the Air Force should not hand pick the most reliable fleetwide B-1 airframes and transfer them to the test base, the test wing should consist of aircraft with standard ECM configuration, required safety-of-flight modifications completed and, to the extent practicable, major R&M upgrades accomplished.

Similarly, flows of parts and replacement items into and out of the test base in accord with normal maintenance actions are permitted; however, the test should be structured to monitor and detect unauthorized support activities. Both the Office of Operational Test and Evaluation and the GAO should monitor the test phase and review and comment upon the results of the test.

The conferees do not intend or envision this test as a "make-or-break' event; rather, they see it as an inexpensive method of acquiring useful information on a range of future capabilities and costs. If the test demonstrates that planned support levels can sustain the Air Force's planned readiness rates, that would be welcome news. Otherwise the collected data should be able to define the readiness rate that the planned level of support *can* sustain, and projections of how much additional support would be required to achieve the 75 percent operational readiness goal. This would also provide an estimate of the added cost to provide that increment of support. Also, the data should make clear which specific areas are most troublesome and which areas would, if mitigated, produce the largest returns to readiness.

As a separate phase of the test plan, late in the test period, at least one squadron from the test wing would deploy to an austere (i.e., non-bomber) base together with the planned "readiness spares package" appropriate to the size of the test detachment. At the austere base, they will simulate the planned use of the B-1B in a possible future conflict in which early sustained bomber support is crucial.

Recognizing that the considerations outlined above must be carefully evaluated in both the design of and the plan for implementing the test, the conferees provide the Secretary of the Air Force with broad latitude for preparation time, the initiation and duration of the actual test phase, and the test's ground rules. This includes the authority to postpone the test phase if the Secretary judges that the test cannot be conducted or continued without causing unacceptable risk to the readiness or safety of those elements of the B-1 force not included in the test.

Access by Comptroller General to information on heavy bomber programs (sec. 133)

The Senate amendment contained a provision (sec. 123) that would direct the Secretary of Defense to ensure full and prompt access by the General Accounting Office to Air Force information, reports, and data pertaining to heavy bombers.

The House bill contained no similar provision.

The House recedes.

C-17 aircraft program progress payments and reports (sec. 134)

The House bill contained a provision (sec. 134) that would direct the Secretary of Defense to withhold a portion of C-17 progress payments until the Secretary certifies: (1) that C-17 software testing and avionics integration have been completed; and (2) that costs waivers for software noncompliance have been identified and are in accordance with the terms of the existing C-17 contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Live-fire survivability testing of the C–17 aircraft (sec. 135)

The Senate amendment contained a provision (sec. 127) that would modify the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) to permit the Air Force to use any funds authorized and appropriated for the C–17 aircraft to conduct needed live-fire testing of the C–17 aircraft.

The House bill contained no similar provision.

The House recedes.

Intertheater airlift program (sec. 136)

The budget request contained $2,394.8 million for C–17 aircraft procurement, including:

$2,072.8 million for procuring six aircraft;

$245.5 million for advance procurement of eight aircraft in fiscal year 1995;

$16.5 million for modifications; and

$60.0 million for spare parts.

The budget request also included $179.8 million for C–17 research and development and $290.8 million for the strategic sealift program.

The House bill would provide $1,918.7 million for intertheater airlift procurement, including $1,673.7 million for procurement and $245.0 million for advance procurement, and $179.8 million for airlift development. The House bill contained a provision (sec. 131) that would prohibit obligating any funds for the procurement of airlift aircraft for the Air Force for fiscal year 1994 until 45 days after the Secretary of Defense submitted a report on: (1) recommendations for the aircraft, or mix of aircraft, to be procured for the intertheater airlift mission; and (2) the results of a Defense Acquisition Board review of the intertheater airlift requirements and a cost and operational effectiveness analysis (COEA) of various intertheater airlift alternatives.

The Senate amendment included a provision (sec. 124) that would require the Department to conduct a fundamental reexamination of future U.S. airlift requirements, rather than a simple evaluation of the acquisition aspects of the C–17 program. The provision would preclude obligating fiscal year 1995 procurement funds until this analysis had been conducted. The provision would also link future C–17 production to meeting the specified milestones in a system maturity matrix. This system maturity matrix was developed by the Department to provide Congress with a set of bench marks to use in gauging when the program would be ready for production rates higher than the current four aircraft per year.

The Senate amendment also included a provision (sec. 303) that would amend section 2218 of title 10, United States Code. This provision would change the National Defense Strategic Sealift Fund into the National Defense Strategic Lift Fund. The Senate report (S. Rept. 103–112) expressed the belief that such a fund would enable the Department to shift funds more easily between airlift and sealift as competing, as well as complementary, ways of solving strategic lift deficiencies.

The Senate amendment would approve the C–17 research and development request, but would provide no funds for procuring the C–17 aircraft or spares. The Senate amendment would provide $2,669.1 million for a national defense strategic lift fund. Within that total, $290.8 million would be for strategic sealift. The remainder could be used for C–17, other intertheater airlift programs, commercial airlift alternatives to the C–17, or additional strategic sealift.

The House recedes on Senate section 124, with an amendment.

The conferees have heard informally from the Under Secretary of Defense for Acquisition and Technology (USD(AT)) on the results of the COEA required by the National Defense Authorization Act for fiscal Year 1993. This analysis has apparently shown that mixes of aircraft, not just a purely C–17 aircraft force, could be an effective, as well as lower cost, alternative. These mixes, which would include fewer than the programmed 120 C–17 aircraft, include other available alternatives such as existing military transports and commerical-derivative aircraft.

The conferees agree to:

(1) Prohibit any obligation of fiscal year 1994 funds until the Secretary of Defense reports on the review of the acquisition program by the Under Secretary of Defense for Acquisition and Technology;

(2) Retain the requirement that the C–17 program achieve certain production and testing milestones;

(3) Authorize up to six C–17 aircraft;

(4) Initiate a non-developmental airlift alternative to the C–17;

(5) Provide $2,318.0 million for intertheather airlift procurement, consisting of:

(a) $1,918.0 million for buying four C–17 aircraft, including $1,730.0 million for procurement and $188.0 million for advance procurement of six C–17 in fiscal year 1995;

(b) $100.0 million only for procurement of non-developmental intertheater airlift alternatives; and

(c) $300.0 million in an "undersignated" category, which may be used for C–17, or for the non-developmental alternative.

(6) Require the Department to conduct a thorough review of airlift requirements before obligating any funds in fiscal year 1995.

Considering the significant trouble and delays in the C–17 program, the conferees agree that simply authorizing the procurement of six C–17s in fiscal year 1994 with no fences would not be prudent.

The conferees agree to reserve judgment on the total number of C–17 aircraft that the Department of Defense should buy. The Under Secretary of Defense for Acquisition and Technology intends to continue the C–17 program on a probationary basis. He intends to make a final decision about the program no later than November 1995. The conferees reserve the right to modify C–17 milestones and legislative fences based on the program's performance between now and that time.

The conferees direct the Department of Defense to begin immediately to implement one or more of the airlift alternatives identified. The conferees direct the Air Force to initiate the non-developmental airlift alternative with: (1) $100.0 million, if the undersigned $300.0 million is used to buy six C–17s; or (2) $400.0 million, if the Secretary chooses to buy only four C–17s or if the C–17 cannot meet the legislative requirements to produce more than four aircraft.

The conferees direct the Department of Defense to plan the fiscal year 1994 C–17 procurement effort to support either: (1) buying six C–17 aircraft, with $100.0 million for non-developmental alternatives; or (2) buying four C–17 aircraft, with $400.0 million available for the alternatives. The Department would be prohibited from shifting the $300. 0 million to either C–17 or non-developmental aircraft until 30 days after the Secretary provides the required report of the USD(AT) reviews, and a plan for the intended use of the funds. The conferees recommend no such restrictions on spending the $100.0 million for the non-developmental alternatives.

The conferees are concerned that the Department may be ready to reduce unilaterally the operational requirements for the C–17 program. Section 134 of the National Defense Authorization Act for Fiscal Year 1993 required the Joint Requirements Oversight Council to review the adequacy of these C–17 requirements. The conferees anticipate receiving the results of that review.

Meanwhile, the conferees are concerned that the Department may be shifting the contract requirements to meet the aircraft the contractor is able to build, rather than building the aircraft needed to meet the requirements upon which the program was justified and originally contracted. The conferees expect the Secretary's forthcoming report on the C–17 acquisition program to describe thoroughly the: (1) reasons for any changes in the contracts requirements the Secretary intends to make; and (2) the terms of consideration that the government will require of the contractor for overrunning costs or underrunning these requirements.

The conferees are concerned about another area of performance. There have been rumors that the Department may be relaxing or elating reliability and maintainability (R&M) thresholds. The conferees understand that the projected ability of the C–17 aircraft to sustain wartime utilization rates above 15 hours per day is critical to the decision of whether the C–17 makes sense. The conferees strongly believe that the Department must not relax these R&M thresholds in any reformation of the current C–17 contracts.

The conferees understand that there may be sizable contractor claims arising from the C–17 development and procurement program. The conferees believe that the Secretary's forthcoming report must include a full accounting of any of the pending contract claims, proposed settlement terms, and mechanisms by which future performance can be gauged and guaranteed. The conferees believe that this information should be available before the Air Force commits to any more aircraft.

The Senate recedes on Senate section 303. The conferees reserve judgment on consolidating the strategic airlift and sealift programs at a later date. The conferees note that the Department argued against having the additional flexibility that a strategic lift fund would provide. The conferees were sympathetic to giving the Department more flexibility to manage these programs, but will be guided by this appeal in dealing with issues in other areas.

The conferees also direct the General Accounting Office (GAO) to continue to report on the cost, schedule, and performance of the C–17 program. It would also be helpful if Congress could have the GAO assessment of whether: (1) the overall goals for lift have been correctly set, (2) the original C–17 justification remains valid, and (3) the C–17 justification remains valid, and (3) the C–17 can still achieve original program requirements, given increases in program cost and technical problems.

Use of F–16 aircraft advance procurement funds for program termination costs (sec. 137)

The House bill included a provision (sec. 133) that would set aside $70.8 million for program termination costs for the F–16 program. The provision also would prohibit spending any fiscal year 1994 funds for F–16 advance procurement.

The Senate amendment contained no similar provision.

The Senate recedes.

Tactical signals intelligence aircraft (sec. 138)

The budget request contained $34.2 million for modernizing the Navy's EP-3 Aries II signals intelligence (SIGINT) aircraft, and $46.6 million for modernizing Air Force C-135 aircraft. Out of the total for C-135 modifications, $33.8 million was requested for the RC-135 "Rivet Joint" SIGINT aircraft. The request also included $7.8 million for EP-3 research and development within tactical cryptologic activities (TCP).

Last year, the conferees expressed concern about the SIGINT aircraft programs in the statement of managers (H. Rept. 102-966) accompanying the National Defense Authorization Act for Fiscal Year 1993. The conferees observed apparent duplication of efforts in the Navy and Air Force SIGINT programs. The conferees directed the Department of Defense to study this issue and choose between the RC-135 and EP-3 aircraft. The conferees directed the Department to consider all airborne and satellite SIGINT collection systems in determining the required numbers of RC-135 or EP-3 systems. Accordingly, the conferees restricted the obligation of any fiscal year 1993 funds provided for RC-135 re-engining and EP-3 upgrades pending the outcome of that analysis.

The Department submitted the required report shortly before the House bill and the Senate amendment passed. Neither body had sufficient time to review the analysis in sufficient detail before taking action on the pending authorization request.

The House bill contained a provision (sec. 212) that would deny $25.4 million of the EP-3 modernization effort and deny $5.0 million of the TCP activities funding for EP-3. The House bill also contained a provision (sec. 132) that would provide $93.2 million to procure two additional RC-135 aircraft and would remove the fiscal year 1993 restriction against re-engining RC-135 aircraft.

The Senate amendment contained a provision (sec. 132) that would remove, with certain limitations, the prior year restrictions on EP-3 and RC-135 modernization. The Senate amendment would fully fund EP-3 modernization but deny the Department's $33.8 million in funding requested for the RC-135. The Senate amendment also would shift $100.9 million of unobligated fiscal year 1993 funds intended for C-135 series re-engining to other programs.

The conferees believe that the Department's tradeoff study lacks substance and credibility. The Department failed to choose between systems. The report asserted that the current number of EP-3 and RC-135 platforms are required for world-wide SIGINT coverage. Nevertheless, it proposed to modernize only the less capable and less expensive EP-3. The RC-135 would be frozen in its current configuration, referred to as baseline 6. In the opinion of the conferees, this funding gambit presumed that Congress would add RC-135 modernization funding.

The conferees are unhappy with the unresponsive nature of the Department's tactical SIGINT aircraft request and plan. Additionally, the conferees do not intend to be used in a game to fund programs which the Department may believe are congressional "sacred cows."

The conferees have learned of a further complication to this issue. The next generation SIGINT sensor suite, an airborne reconnaissance support program (ARSP) SIGINT upgrade program, is focused totally on U-2 aircraft integration. One of the central benefits of this new program is modular, or scalable architecture. The conferees fail to understand why this upgrade is targeted for the most stringent technical application, the smaller, power-limited U-2. Moreover, each of the services has been planning expensive, separate, and uncoordinated upgrade efforts for their individual SIGINT systems. The conferees are shocked that, in some cases, the services were unaware of even the existence of this ARSP SIGINT upgrade program. In the opinion of the conferees, following all of the separate paths would make the collective capability upgrades prohibitively expensive. Targeting the development of a common architecture on the U-2 platform unnecessarily delays the effort and perpetuates the proliferation of upgrade programs.

The conferees believe that a single, scalable, open architecture system which is adaptable to all tactical SIGINT platforms would dramatically improve capability, interoperability and competitive procurement opportunities. This approach could also significantly reduce modernization funding requirements. The conferees are also convinced that early demonstration of the ARSP SIGINT upgrade program architecture would lead to an operational capability years ahead of what might be possible by delaying until U-2 integration is practical.

Therefore, the conferees direct the Secretary of Defense to demonstrate expeditiously the ARSP upgrade program on a dedicated, non-developmental aircraft. The Secretary is also directed to consolidate this effort under the new Tactical Reconnaissance office (TRO) as described elsewhere in this statement of the managers. In addition, the conferees believe that the TRO should exercise configuration control over all future tactical airborne SIGINT upgrade activities in order to promote maximum commonality and to minimize duplication. To this end, the TRO should also control funding for future improvements in existing SIGINT platforms such as the U-2, RC-135, EP-3, ES-3, Senior Scout, RC-12, and the various unmanned aerial vehicles.

Accordingly, the House recedes on sections 132 and 212 of the House bill, and the Senate recedes on section 132 of the Senate amendment. The conferees agree to authorize the $34.2 million requested for EP-3 modernization, the $33.8 million requested for RC-135 modernization, and the $93.2 million the House bill would provide for additional RC-135 aircraft. This funding would be authorized in a single Defense Agencies procurement account controlled by the TRO.

The conferees recommend a provision that would: (1) remove the prior year restriction on EP-3 upgrades; (2) limit EP-3 upgrades to those associated with the conversion-in-lieu-of-procurement (CILOP) program; and (3) limit RC-135 upgrades to those necessary to bring aircraft into the baseline 6 configuration.

The conferees will not decide on upgrades to existing SIGINT platforms, beyond those identified above, until the Department of Defense provides a report to the congressional defense and intelligence committees. The report should include a recommendation on the feasibility of, and methods for, using ARSP SIGINT upgrade program technology in platforms other than the U-2. The conferees further authorize the TRO to use up to $93.2 million to acquire either an existing government-owned commercial derivative aircraft or a readily available commercial aircraft. The conferees are aware that aircraft such as the Army's homing overlay experiment aircraft (a B-767) or an EC-135 would be suitable for testing the ARSP upgrade program. The conferees agree to deny the $5.0 million requested within TCP funding for the EP-3.

Finally, the conferees recommend a provision discussed elsewhere in this statement of the managers under "C-135 Aircraft Program", that would reiterate the fiscal year 1993 restriction on RC-135 re-engining, and direct the Department to use unobligated fiscal year 1993 C-135 series aircraft re-engining funds for KC-135 re-engining.

C-135 aircraft program (sec. 139)

Out of the funds Congress appropriated in fiscal year 1993 for C-135 aircraft modifications, the Air Force intended to apply $100.9 million for RC-135 re-engining. Section 141 of the National Defense Authorization Act for Fiscal Year 1993 restricted the use of these funds.

The budget request contained $46.6 million for modification of Air Force C-135 series aircraft. Out of this total, $33.8 million was for various modifications for RC-135 "Rivet Joint" signals intelligence aircraft.

The House bill would approve $33.8 million for RC-135 modifications. The House bill also contained a provision (sec. 132) that would: (1) provide $93.2 million to procure two additional RC-135 aircraft; (2) remove the fiscal year 1993 restriction on re-engining RC-135 aircraft; and (3) add $160.0 million for eight KC-135 re-engining kits.

The Senate amendment contained a provision (sec. 132) that would deny the $33.8 million requested for RC-135 modifications. The Senate amendment contained another provision (sec. 1013) that would authorize the Secretary of the Air Force to shift the $100.9 million that the Air Force intended to use for RC-135 modifications to other, higher priority programs.

The conferees agree to a provision that would authorize the Air Force to use the $100.9 million of unobligated fiscal year 1993 funds, along with $48.0 million of fiscal year 1994 funds, to purchase and install six KC-135E re-engining kits.

ALQ-135 jammer device (sec. 151)

The Senate amendment contained a provision (sec. 131) that would amend section 182(b)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to change the criteria for full rate production of jammer devices. Section 182(b)(2) requires performance more stringent than required in normal operational testing. The Senate provision would require jammers to meet the same operational testing standards that major acquisition programs must meet before they can proceed to full rate production.

The House bill contained no similar provision.

The House recedes.

Global positioning system (sec. 152)

The Senate amendment included a provision (sec. 133) that would:

(1) prohibit, after the year 2000, any further obligation or expenditure of funds to modify or procure any aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a GPS receiver;

(2) require the Secretary of Defense to provide up to $5.0 million from funds authorized and appropriated for the GPS satellite system and receiver programs to the National Academy of Sciences and the National Academy of Public Administration to study a variety of management and funding issues; and

(3) require the Secretary of Defense, in coordination with the Director of Central Intelligence, to report to Congress on potential threats to the United States and its allies from hostile exploitation of the GPS system, and possible countermeasures to such threats.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to reduce the amount available for the study from up to $5.0 million to up to $3.0 million. In addition, the conferees direct the Secretary to sign a contract with the academies within 60 days after the enactment of this act.

The conferees are aware that the President's Science Advisor has started to review the GPS system as part of a larger examination of airline profitability. The conferees urge the Science Advisor to broaden this review because the future of the GPS system has major implications for administration policy on defense conversion, economic competitiveness, information highways, intelligent vehicle highway systems, and infrastructure investment.

Ring laser gyro navigation systems (sec. 153)

The Senate amendment contained a provision (sec. 136) that would prohibit the Navy from awarding a sole source contract for ring laser gyro navigation systems with funds from fiscal years 1992, 1993, and 1994.

The House bill contained no similar provision. The House report (H. Rept. 103-200) included similar direction.

The House recedes with an amendment that would delete the requirement to compete in fiscal year 1992. The conferees understand that the Navy is unable to buy any ring laser gyro navigation system with fiscal year 1992 funds, either sole source or competitively.

Operational support aircraft (sec. 154)

The Senate amendment contained a provision (sec. 137) that would prohibit the Department of defense from obligating procurement funds for operational support aircraft without full and open competition unless the Under Secretary of Defense for Acquisition certifies that procurement without full and open competition is to be made within an exception set forth in section 2304(c) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary of Defense from obligating any funds for operational support aircraft until 60 days after the Secretary submits a study on these aircraft to the congressional defense committees. That study shall include a description of current aircraft inventory, peacetime and wartime missions, and funds in the future years defense program for operational support aircraft.

Administration of chemical demilitarization program (sec. 155)

The House bill contained a provision (sec. 175) that would amend section 173(b)(1) of Public Law 102-484 to allow a period of 90 days for existing chemical demilitarization citizens' advisory commissions to submit appropriate comments to the congressional defense committees on the Department of the Army's report to Congress on alternative technologies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide a 60 day period for citizens' advisory commissions in existence upon enactment of this act to submit appropriate comments to the congressional defense committees. The conferees note that the Army has requested a 60 day extension of the deadline for the submission of its report to Congress, from December 31, 1993 to March 1, 1994. The conferees understand that the Army's request is based on indications by the National Research Council that it will not be able to submit its recommendations to the Army by November 28, 1993. The conferees concur with the Army's request to extend the deadline for the submission of its report to Congress.

Chemical munitions disposal facilities, Tooele, Utah (sec. 156)

The House bill contained a provision (sec. 171) that would prohibit the obligation of funds appropriated in fiscal year 1993 and 1994 for systemization of the chemical munitions disposal facilities at Tooele Army Depot, Utah. The funds could not be obligated until the Secretary of Defense certifies that: (1) recommendations in the Defense Base Closure and Realignment Commission for the realignment of Tooele Depot will not jeopardize the health, safety, and welfare of the surrounding community; and (2) adequate base support, management, oversight, and security personnel will remain to operate the chemical disposal facility after the realignment. The provision would direct the Secretary of Defense to identify by job title and category all the base support that would remain at the depot after its realignment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit obligation of fiscal years 1993 and 1994 funds pending a certification from the Secretary of Defense that: (1) operation of the chemcical disposal facilities at the depot will not jeopardize the health, safety, and environment of the surrounding community; and (2) adequate base support and personnel will remain at the depot to ensure public safety while munitions are stored, or disposal activities are in operation, at the depot.

Authority to convey Los Alamos dry dock (sec. 157)

The House bill included a provision (sec. 172) that would authorize the Secretary of the Navy to transfer all rights, title, and interest in the dry dock designated as Los Alamos (AFDB 7) to the Brownsville Navigation District of Brownsville, Texas.

The Senate amendment contained no similar provision.

The Senate recedes.

Sales authority of certain working-capital funded industrial activities of the Army (sec. 158)

The House bill contained a provision (sec. 173) that would allow the Army's Watervliet Arsenal to enter into commercial contracts for the sale of manufactured articles or services outside the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Space-based missile warning and tracking (sec. 159)

The budget request included $66.8 million for RDT&E for the defense support program (DSP), $214.8 for the follow-on early warning system (FEWS), $252.6 for the Brilliant Eyes (BE), and $10.0 million for the Cobra Ball missile warning and surveillance systems.

The House bill would combine the requests for DSP, FEWS, and BE into a single line within the Defense Agencies account and reduce the aggregate by $200.0 million.

The Senate amendment would combine the requests for all the RDT&E programs with the requests for DSP procurement, which totaled $497.7 million, in a single line within the Air Force missile procurement account.

The House and Senate reports (H. Rept. 103-200 and S. Rept. 103-112) advised the Department of Defense that its plans for the various missile warning and surveillance programs were not affordable. The reports noted that the new Administration had undertaken a major review of these programs and expected the Administration to inform the Congress prior to conference on the results of its review and its recommendations. Unfortunately, the Administration has not met these expectations.

Accordingly, the conferees have decided to preserve options for the Secretary of Defense and Congress as much as possible while enforcing budget discipline. The conferees believe that $240.0 million can be reduced from the combined procurement and RDT&E request for these programs without compromising acceptable Administration decisions.

The conferees, therefore, agree to authorize $801.9 million in Defense Agencies procurement. The conferees agree to a provision that would allow the Secretary of Defense to allocate these funds to specific programs for warning and attack assessment. Under this provision, any transfers from this account shall be in addition to the transfer limits established elsewhere in this act. In addition, the provision would permit the Secretary to transfer up to $250.0 million without submitting a prior-approval reprogramming request in order to maintain program continuity prior to final decisions by the Secretary and Congress. The conferees believe that this transfer authority and amount will sustain ongoing efforts for up to five months into fiscal year 1994. Any additional transfers shall be in accordance with established transfer procedures. The Secretary shall inform the congressional defense committees of the detailed results of his deliberations and his recommended allocations. The conferees intend that the congressional defense committees have the opportunity to review the Secretary's decisions and recommendations carefully before irrevocable decisions are made and implemented. It is also the intent of the conferees that none of the ongoing programs be terminated until 30 days after the Secretary of Defense formally notifies Congress of any termination decision and provides the rationale for the decision.

The conferees note that the Department has invested over $2.0 billion to date in the FEWS program out of concern over capability shortfalls of DSP. This investment has produced much useful technology that should form the basis for any DSP follow-on effort, be it FEWS or another system.

LEGISLATIVE PROVISIONS NOT ADOPTED

TOW missile program

The House bill included a provision (sec. 112) that would mandate the termination of the TOW missile program.

The Senate amendment contained no similar provision.

The House recedes.

DDG-51 destroyer and fast sealift programs

The House bill contained a provision (sec. 121) that would prohibit the Navy from obligating funds for the DDG-51 guided missile destroyer program until the Navy awarded contracts to convert ships for the strategic sealift program.

The Senate amendment contained no similar provision.

The House recedes. The Navy has recently awarded both conversion and new construction contracts for the strategic sealift program. The conferees are encouraged by the Navy's progress and urge the Navy to continue to emphasize this important program.

Conveyance of observation aircraft

The House bill contained a provision (sec. 174) that would authorize the Secretary of

Defense to convey without cost not more than four light observation aircraft to a nonprofit organization in Florida under certain conditions.

The Senate amendment contained no similar provision.

The House recedes.

Modified M113 carriers and AGT-1500 turbine engines

The Senate amendment contained a provision (sec. 111) that would authorize additional funds to modify M113 carriers and to procure additional AGT-1500 turbine engines, subject to the limitation that none of the funds could be obligated in fiscal year 1994.

The House bill contained no similar provision.

The Senate recedes

The conferees agree to authorize an additional $12.0 million to initiate the remanufacturing of M113 carriers and an additional $17.0 million for AGT-1500 turbine engines.

The conferees note the need to remanufacture M113s in various configurations. The conferees, however, reserve judgment on the overall scope and affordability of this effort.

The conferees are concerned about preserving the tank industrial base, particularly the engine segment of that industrial base. The conferees direct the Secretary of Defense to establish expeditiously a blue ribbon panel, as described in the Senate report (S. Rept. 103-112). The conferees believe that it is urgent for the panel to develop a master plan for preserving the public and private industrial base for tanks and tank engines. This plan should be submitted to the congressional defense committees by April 30, 1994.

The conferees agree that the additional $17.0 million should be applied to items which will not be wasted, regardless of the findings of the blue ribbon panel or the results of the ongoing reliability testing of overhauled engines. The conferees direct that the funds be used for long-lead items for new or remanufactured engines, or for spare parts for existing engines. The conferees also direct that none of the funds be used to commit the government to new or depot-overhauled engines for the first phase of the M1A2 tank upgrade program until the Army provides a report on the results of the reliability testing of overhauled engines. That report should include the Army's plan for proceeding with either a new or depot-overhauled engine for this phase of the upgrade.

Solid rocket motor upgrade program

The Senate amendment contained a provision (sec. 126) that would permit the Secretary of Defense to implement a "supplemental agreement" described in section 9164 of the Department of Defense Appropriations Act for Fiscal Year 1993 (Public Law 102-396) only in accordance with certain authorities stated in the Senate provision.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree with the substance and purpose of the Senate provision. The conferees, however, have not adopted the provision because the Senate provision is moot. The Secretary of Defense has chosen to implement the supplemental agreement as directed in the Department of Defense Appropriations Act for Fiscal Year 1993.

The conferees believe that it is inappropriate for Congress to intervene in, and direct a detailed settlement of, contract disputes between the executive branch and its contractors and subcontractors, particularly when the dispute is being litigated. The conferees would have preferred that the Secretary be granted the authority to settle the dispute if he judged that to be in the government's interest. The Senate provision would have granted that authority and discretion.

As part of the settlement the Department of Defense entered into on the solid rocket motor upgrade program, the subcontractor's production contract was converted to a fixed-price-incentive type of contract. This action increased the prime contractor's risk, which was mitigated by increasing the prime contract price ceiling. This adjustment, however, was made to the entire contract. Therefore, any cost overrun on any other part of the prime contract could be paid for from this ceiling adjustment. The conferees believe strongly that this ceiling adjustment should have been restricted to the solid rocket motor subcontract alone.

Sense of Congress on expediting sealift procurement

The Senate amendment included a provision (sec. 134) that would express the sense of Congress that the Secretary of the Navy should award sealift conversion and construction contracts expeditiously.

The House bill contained no similar provision.

The Senate recedes. The Navy has recently awarded four strategic sealift ship contracts. Two contracts are for converting five existing ships to the required configuration. Two other contracts are to build as many as 12 new construction sealift ships.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION (RDT&E)

Overview

The budget request for fiscal year 1994 contained an authorization of $38,620.3 million for research, development, test and evaluation in the Department of Defense. The House bill would authorize $37,885.4 million. The Senate amendment would authorize $35,900.2 million. The conferees recommend authorization of $34,706.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

RESEARCH AND DEVELOPMENT, ARMY

Overview

The budget request for fiscal year 1994 contained an authorization of $5,249.9 million for Army research, development, test and evaluation. The House bill would authorize $5,427.1 million. The Senate amendment would authorize $5,303.7 million. The conferees recommend authorization of $5,197.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL ARMY								
1	61101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	10,954		10,954		10,954			10,954
2	61102A	DEFENSE RESEARCH SCIENCES	203,695	4,600	208,295	-15,400	188,295	20,000	-23,695	180,000
3	61104A	ELECTROMECHANICS & HYPERVELOCITY PHYSICS	3,712	5,000	8,712		3,712	5,000	2,288	6,000
4	62104A	TRACTOR ROSE	5,720		5,720		5,720			5,720
5	62105A	MATERIALS TECHNOLOGY	11,288	8,500	19,788	4,000	15,288	4,500	6,000	17,288
6	62120A	ELECTRONIC SURVIVABILITY AND FUZING TECH	28,793	6,000	34,793		28,793	6,000		28,793
7	62122A	TRACTOR HIP	11,921	-3,000	8,921		11,921	-3,000		11,921
8	62123A	TRACTOR FIELD								
9	62211A	AVIATION TECHNOLOGY	34,150		34,150		34,150			34,150
10	62270A	EW TECHNOLOGY	20,962		20,962		20,962			20,962
11	62303A	MISSILE TECHNOLOGY	23,777		23,777		23,777			23,777
12	62307A	LASER WEAPONS TECHNOLOGY	510	5,000	5,510		510	5,000	2,500	3,010
13	62308A	MODELING AND SIMULATION		10,000	10,000	10,000	10,000		10,000	10,000
14	62601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	38,994	15,000	53,994		38,994	15,000		38,994
16	62618A	BALLISTICS TECHNOLOGY	29,547		29,547		29,547			29,547
17	62622A	CHEMICAL, SMOKE & EQUIP DEFEATING TECH	37,766	14,219	51,985		37,766	14,219		37,766
18	62623A	JOINT SERVICE SMALL ARMS PROGRAM	3,397		3,397		3,397			3,397
19	62624A	WEAPONS AND MUNITIONS TECHNOLOGY	34,794	4,000	38,794		34,794	4,000	2,000	36,794
20	62705A	ELECTRONICS AND ELECTRONIC DEVICES	19,400	3,000	22,400		19,400	3,000		19,400
21	62709A	NIGHT VISION TECHNOLOGY	18,941		18,941		18,941			18,941
22	62716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	15,163		15,163		15,163			15,163
23	62720A	ENVIRONMENTAL QUALITY TECHNOLOGY	21,229	43,000	64,229	15,400	36,629	27,600	22,000	43,229
24	62727A	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	4,413		4,413		4,413			4,413
		PROJECT PLOWSHARES				5,000	5,000	-5,000		
25	62782A	COMMAND, CONTROL, COMMUNICATIONS TECH	10,376		10,376		10,376			10,376
25A		AIRBORNE RECONNAISSANCE LOW (ARL)		7,760	7,760			7,760	7,760	7,760
26	62783A	COMPUTER AND SOFTWARE TECHNOLOGY	5,743		5,743		5,743			5,743
27	62784A	MILITARY ENGINEERING TECHNOLOGY	41,183		41,183	-3,000	38,183	3,000	-3,000	38,183
28	62785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	13,319		13,319	-2,000	11,319	2,000	-2,000	11,319
29	62786A	LOGISTICS TECHNOLOGY	28,453		28,453		28,453			28,453
30	62787A	MEDICAL TECHNOLOGY	86,711	50,000	136,711		86,711	50,000		86,711

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
31	62788A	TRACTOR ILOP	1,562		1,562		1,562			1,562
32	62789A	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	2,696		2,696		2,696			2,696
33	62790A	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	63,044		63,044		63,044		-630	62,414
34	62813A	TRACTOR DUMP								
35	63001A	LOGISTICS ADVANCED TECHNOLOGY	12,913		12,913		12,913			12,913
36	63002A	MEDICAL ADVANCED TECHNOLOGY	40,346	2,950	43,296		40,346	2,950	33,400	73,746
37	63003A	AVIATION ADVANCED TECHNOLOGY	53,073		53,073		53,073			53,073
38	63004A	WEAPONS & MUNITIONS ADVANCED TECHNOLOGY	17,291	4,000	21,291		17,291	4,000		17,291
39	63005A	COMBAT VEHICLE AND AUTOMOTIVE ADV TECH	39,093		39,093		39,093			39,093
40	63006A	COMMAND, CONTROL, COMMUNICATIONS AD TECH	16,049		16,049		16,049			16,049
41	63007A	MANPOWER, PERSONNEL & TRAINING ADV TECH	8,064		8,064		8,064			8,064
42	63009A	TRACTOR HIKE	7,355		7,355		7,355			7,355
43	63012A	TRACTOR HOLE	11,779		11,779		11,779			11,779
44	63013A	TRACTOR DIRT	1,888		1,888		1,888			1,888
45	63017A	TRACTOR RED	7,629		7,629		7,629			7,629
46	63020A	TRACTOR ROSE	6,679		6,679		6,679			6,679
47	63102A	MATERIALS AND STRUCTURES ADVANCED TECH								
48	63105A	AIDS RESEARCH	3,410		3,410		3,410			3,410
49	63238A	GLOBAL SURV/AIR DEFENSE/PRECISION STRIKE	29,484		29,484		29,484			29,484
50	63270A	EW TECHNOLOGY	28,533		28,533		28,533			28,533
51	63313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	46,497	-10,500	35,997		46,497	-10,500	-10,500	35,997
52	63322A	TRACTOR CAGE	13,909		13,909		13,909		-3,538	10,371
53	63393A	TRACTOR TRAILER								
54	63606A	LANDMINE WARFARE AND BARRIER ADV TECH	9,995		9,995	10,000	19,995	-10,000		9,995
55	63607A	JOINT SERVICE SMALL ARMS PROGRAM	5,529	2,000	7,529		5,529	2,000		5,529
56	63654A	LINE-OF-SIGHT, ANTITANK (LOSAT)								
57	63710A	NIGHT VISION ADVANCED TECHNOLOGY	38,661		38,661		38,661			38,661
58	63734A	MILITARY ENGINEERING ADVANCED TECH	2,910		2,910		2,910			2,910
59	63742A	ADVANCED ELECTRONIC DEVICES DEVELOPMENT								
60	63759A	CHEMICAL BIO DEFENSE & SMOKE ADV TECH	2,634		2,634		2,634			2,634
61	63772A	ADV TACTICAL COMPUTER SCIENCE & TECH	30,946		30,946	-4,000	26,946	4,000	-4,000	26,946
62	63392A	ANTI-SATELLITE WEAPON (ASAT)								
63	12814A	SPECIAL PROGRAMS	[ ]		[ ]		[ ]			[ ]
64	33152A	WWMCCS INFO SYSTEM	[ ]		[ ]		[ ]			[ ]

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
996		STRATEGIC CLASSIFIED	8,647		8,647		8,647			8,647
65	63018A	TRACTOR TREAD		12,000	12,000	12,000	12,000		12,000	12,000
66	63019A	TRACTOR DUMP	19,010	-10,000	9,010		19,010	-10,000		19,010
67	63053A	ADVANCED COMMAND AND CONTROL VEHICLE								
68	63303A	SURFACE-TO-SURFACE MISSILE ROCKET SYSTEM								
69	63604A	NUCLEAR MUNITIONS - ADV DEV	2,006		2,006		2,006			2,006
70	63612A	ADVANCED ANTI-TANK WEAPON SYSTEMS								
71	63617A	NON-LINE OF SIGHT (N-LOS)	34,702	-34,702			34,702	-34,702	-34,702	
72	63619A	LANDMINE WARFARE AND BARRIER - ADV DEV	21,685		21,685		21,685			21,685
73	63627A	SMOKE, OBSCURANT & TARGET DEFEATING SYS	6,046		6,046		6,046			6,046
74	63639A	ARMAMENT ENHANCEMENT INITIATIVE	[ ]	[-11,000]	[ ]		[ ]		[-11,000]	[ ]
75	63640A	ARTILLERY PROPELLANT DEVELOPMENT	12,033	18,700	30,733		12,033	18,700	18,700	30,733
75A		52 CAL , M109 HOWITZER SYSTEM								
76	63645A	ARMORED SYSTEM MODERNIZATION - ADV DEV	148,342		148,342		148,342			148,342
77	63647A	TRACTOR DIRT	265		265		265			265
78	63649A	ENGINEER MOBILITY EQUIPMENT ADVANCED DEV	29,464		29,464		29,464			29,464
79	63653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	5,435		5,435		5,435			5,435
80	63713A	ARMY DATA DISTRIBUTION SYSTEM	11,757	8,000	19,757		11,757	8,000		11,757
81	63730A	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	15,422	-3,000	12,422		15,422	-3,000		15,422
82	63745A	TACTICAL ELECTRONIC SUPPORT SYSTEMS	4,363		4,363		4,363			4,363
83	63746A	SINCGARS ADV DEV		7,500	7,500	10,000	10,000	-2,500	7,500	7,500
84	63747A	SOLDIER SUPPORT AND SURVIVABILITY	13,193		13,193		13,193			13,193
85	63757A	FORWARD AREA AIR DEFENSE (FAAD) SYSTEM								
86	63766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM	15,373	-5,000	10,373		15,373	-5,000		15,373
87	63774A	NIGHT VISION SYSTEMS ADVANCED DEVELOP	4,794		4,794		4,794			4,794
88	63778A	MLRS PRODUCT IMPROVEMENT PROGRAM	40,915		40,915		40,915			40,915
89	63801A	AVIATION - ADV DEV	10,759		10,759		10,759			10,759
90	63802A	WEAPONS AND MUNITIONS - ADV DEV	764		764		764			764
91	63804A	LOGISTICS AND ENGINEER EQUIP - ADV DEV	14,695	5,000	19,695		14,695	5,000		14,695
92	63805A	COMBAT SERVICE SUPPORT COMPUTER SYS EVAL	20,502		20,502		20,502			20,502
93	63806A	NBC DEFENSE SYSTEM-ADV DEV	32,163	8,781	40,944		32,163	8,781		32,163
94	63807A	MEDICAL SYSTEMS - ADV DEV	27,628		27,628	-6,000	21,628	6,000	-6,000	21,628
95	63808A	CLASSIFIED PROGRAM								

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
96	63811A	METEOROLOGICAL DATA SYSTEMS								
97	63813A	TRACTOR PULL								
98	64201A	AIRCRAFT AVIONICS	5,061		5,061		5,061			5,061
99	64202A	AIRCRAFT WEAPONS								
100	64220A	ARMED, DEPLOYABLE OH-58D								
101	64223A	COMANCHE	367,080		367,080		367,080			367,080
102	64270A	EW DEVELOPMENT	60,453	24,800	85,253		60,453	24,800	24,500	84,953
103	64315A	TRI-SERVICE STANDOFF ATTACK MISSILE	89,682	-80,000	9,682		89,682	-80,000	-46,282	43,400
104	64321A	ALL SOURCE ANALYSIS SYSTEM	971	9,000	9,971		971	9,000	9,000	9,971
105	64328A	NOT USED								
106	64603A	NUCLEAR MUNITIONS - ENG DEV								
107	64604A	MEDIUM TACTICAL VEHICLES	6,548		6,548		6,548			6,548
108	64609A	SMOKE, OBSCURANT & TARGET DEFEATING SYS	17,118		17,118		17,118			17,118
109	64611A	JAVELIN	44,937		44,937		44,937			44,937
110	64619A	LANDMINE WARFARE	21,322	10,000	31,322		21,322	10,000		21,322
111	64622A	HEAVY TACTICAL VEHICLES	476		476		476			476
112	64630A	ADVANCED TANK CANON								
113	64633A	AIR TRAFFIC CONTROL	5,607		5,607		5,607			5,607
114	64640A	ADVANCED COMMAND AND CONTROL VEHICLE	8,654		8,654		8,654			8,654
115	64642A	LIGHT TACTICAL WHEELED VEHICLES	2,064		2,064		2,064			2,064
116	64645A	ARMORED SYSTEMS MODERNIZATION (ASM)	89,504		89,504		89,504			89,504
117	64649A	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	13,304		13,304		13,304			13,304
118	64710A	NIGHT VISION SYSTEMS - ENG DEV	41,827		41,827		41,827			41,827
119	64713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	28,425		28,425		28,425			28,425
120	64715A	NON-SYSTEM TRAINING DEVICES - ENG DEV	62,669		62,669		62,669			62,669
121	64726A	INTEGRATED METEOROLOGICAL SUPPORT SYS	949		949		949			949
122	64740A	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	38,815	-2,000	36,815		38,815	-2,000		38,815
123	64741A	AIR DEFENSE COMMAND/CONTROL/INTELLIGENCE	15,424		15,424		15,424			15,424
124	64746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,472	9,000	23,472		14,472	9,000	9,000	23,472
125	64766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM	52,547	-15,000	37,547		52,547	-15,000		52,547
126	64767A	TRACTOR JEWEL								
127	64768A	TRACTOR BAT	117,008	20,000	137,008		117,008	20,000	-7,000	110,008
128	64769A	TRACTOR HELM								
129	64770A	JOINT SURV/TARGET ATTACK RADAR SYSTEM	26,260		26,260		26,260			26,260

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
130	64780A	COMBINED ARMS TACTICAL TRAINER (CATT)	52,988		52,988		52,988			52,988
131	64801A	AVIATION - ENG DEV	5,733	3,300	9,033		5,733	3,300	3,300	9,033
132	64802A	WEAPONS AND MUNITIONS - ENG DEV	15,365	-6,303	9,062		15,365	-6,303		15,365
133	64804A	LOGISTICS AND ENGINEER EQUIPMENT	29,372		29,372		29,372			29,372
134	64805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS	9,244		9,244		9,244			9,244
135	64806A	NBC DEFENSE SYSTEM-ENG DEV	42,898		42,898		42,898			42,898
136	64807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEF	21,128		21,128	-1,559	19,569	1,559	-1,559	19,569
137	64808A	LANDMINE WARFARE/BARRIER - ENG DEV	2,957		2,957		2,957			2,957
138	64812A	CLASSIFIED PROGRAM								
139	64814A	SENSE AND DESTROY ARMAMENT MISSILE	41,011		41,011	57,661	98,672	-57,661	-12,511	28,500
140	64816A	LONGBOW - ENG DEV	277,954		277,954		277,954			277,954
141	64817A	NON-COOPERATIVE TARGET RECOGNITION	34,547	12,000	46,547		34,547	12,000		34,547
142	64818A	ARMY TACTICAL COMMAND & CONTROL SYSTEMS	37,227		37,227		37,227			37,227
143	64820A	RADAR DEVELOPMENT	25,834		25,834		25,834			25,834
144	65710A	JTCB POC, TEST/ASSESS, SMOKE ASSESS, NBC								
145	12830A	CLASSIFIED PROGRAM	[ ]		[ ]		[ ]			[ ]
146	63831A	CLASSIFIED PROGRAM	[ ]		[ ]		[ ]			[ ]
147	23726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	46,285		46,285		46,285			46,285
148	23735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	69,972	47,600	117,572		69,972	47,600		69,972
149	23740A	MANEUVER CONTROL SYSTEM	29,702		29,702		29,702			29,702
150	23744A	AIRCRAFT MODIFICATIONS/PIP	19,410		19,410		19,410			19,410
151	23752A	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	6,567		6,567		6,567			6,567
152	23755A	FIELD ARTILLERY AMMUNITION SUPPORT VEH								
153	23801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT	59,782		59,782		59,782		9,000	68,782
154	23802A	OTHER MISSILE PRODUCT IMPROVEMENT PROG	66,438	-5,000	61,438		66,438	-5,000		66,438
155	23806A	TRACTOR RIG	8,314		8,314		8,314			8,314
156	23808A	TRACTOR CARD	7,615		7,615		7,615			7,615
157	28010A	JOINT TACT COMM PROGRAM (TRI-TAC)	16,529		16,529		16,529			16,529
		ARMY VIRTUAL BRIGADE				34,000	34,000	-34,000	15,000	15,000
		UH-1 SLEP EVALUATION				5,000	5,000	-5,000		
		M1A2 ELECTRONICS SOFTWARE UPGRADE		2,000	2,000			2,000		
		HORIZONTAL INTEGRATION		8,000	8,000	24,000	24,000	-16,000	8,000	8,000
		UNDISTRIBUTED				-24,000	-24,000	24,000		
997		TACTICAL CLASSIFIED	41,294	-11,000	30,294		41,294	-11,000	-11,000	30,294

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
158	64716A	TERRAIN INFORMATION - ENG DEV	9,929		9,929		9,929			9,929
159	64778A	POSITIONING SYSTEMS DEVELOPMENT	4,921		4,921		4,921			4,921
160	31359A	SPECIAL ARMY PROGRAM	[ ]		[ ]		[ ]			[ ]
161	33140A	INFORMATION SYSTEMS SECURITY PROGRAM	7,122		7,122		7,122			7,122
162	33142A	SATCOM GROUND ENVIRONMENT	153,931		153,931		153,931			153,931
163	35127A	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]		[ ]			[ ]
164	35889A	INTEL SUPPORT TO OSD COUNTERNARCOTICS								
998		INTEL & COMMUNICATIONS CLASSIFIED	8,658		8,658		8,658			8,658
165	64256A	THREAT SIMULATOR DEVELOPMENT	18,233		18,233		18,233			18,233
166	64258A	TARGET SYSTEMS DEVELOPMENT	18,945		18,945		18,945			18,945
167	64759A	MAJOR T&E INVESTMENT	28,893		28,893	-10,000	18,893	10,000		28,893
168	65103A	RAND ARROYO CENTER	15,492		15,492		15,492			15,492
169	65301A	ARMY KWAJALEIN ATOLL	171,380		171,380	-5,000	166,380	5,000		171,380
170	65502A	SMALL BUSINESS INNOVATIVE RESEARCH								
171	65601A	ARMY TEST RANGES AND FACILITIES	145,415		145,415		145,415			145,415
172	65602A	ARMY TECHNICAL TEST INSTRUMENTATION	25,540		25,540	-10,000	15,540	10,000		25,540
173	65604A	SURVIVABILITY/LETHALITY ANALYSIS	33,179		33,179	19,700	52,879	-19,700		33,179
174	65605A	DOD HIGH ENERGY LASER TEST FACILITY	4,808	20,000	24,808	20,000	24,808		20,000	24,808
175	65702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIV	17,970		17,970		17,970			17,970
176	65706A	MATERIEL SYSTEMS ANALYSIS	19,500		19,500		19,500			19,500
177	65709A	EXPLOITATION OF FOREIGN ITEMS	18,779		18,779		18,779			18,779
178	65710A	JTCB POC, TEST/ASSESS, SMOKE ASSESS, NBC	7,404		7,404		7,404			7,404
179	65712A	SUPPORT OF OPERATIONAL TESTING	58,433		58,433	-5,000	53,433	5,000	-5,000	53,433
180	65801A	PROGRAMWIDE ACTIVITIES	96,011	-10,000	86,011	-10,000	86,011		-10,000	86,011
181	65802A	INTERNATIONAL COOPERATIVE R&D	1,861		1,861		1,861			1,861
182	65803A	TECHNICAL INFORMATION ACTIVITIES	12,007		12,007		12,007			12,007
183	65805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS	13,763		13,763		13,763			13,763
184	65810A	RDT&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	5,881		5,881		5,881			5,881
185	65856A	ENVIRONMENTAL COMPLIANCE	44,014	4,000	48,014		44,014	4,000	4,000	48,014
186	65872A	PRODUCTIVITY INVESTMENTS								
187	65876A	MINOR CONSTRUCTION (RPM) - RDT&E	1,873		1,873		1,873			1,873
188	65878A	MAINTENANCE AND REPAIR (RPM) - RDT&E	61,448		61,448		61,448			61,448
189	65896A	BASE OPERATIONS - RDT&E	274,409		274,409	-5,000	269,409	5,000	-5,000	269,409

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
190	65898A	MANAGEMENT HEADQUARTERS (R&D)	11,951		11,951		11,951			11,951
191	78045A	MANUFACTURING SCIENCE & TECHNOLOGY				20,000	20,000	-20,000		
191A		END ITEM INDUSTRIAL PREPAR ACTIV/MANTECH		50,000	50,000			50,000		
192	91600A	CONTRACT ADMINISTRATION/AUDIT	92,012	-92,012		-92,012			-92,012	
		LASER BURN TREATMENT				2,000	2,000	-2,000		
		UNDISTRIBUTED/OVERHEAD		-1,000	-1,000	-2,000	-2,000	1,000		
		LYME DISEASE		1,000	1,000			1,000		
		TEST AND SIMULATION TECHNOLOGY								
		UNDERGROUND TEST								
		WEAPONS SYSTEMS LETHALITY								
		WEAPONS SYSTEM OPERABILITY								
		CONVENTIONAL ARMS CONTROL TECHNOLOGY								
		CHEMICAL WEAPONS CONVERSION TECHNOLOGY								
		CLOSED ACCOUNT BUDGETING								
		TOTAL RDT&E ARMY	5,249,948	177,193	5,427,141	53,790	5,303,738	123,403	-52,481	5,197,467

Electromechanics and hypervelocity physics

The conferees support the change of the Army's Institute for Advanced Technology (IAT) from a federally funded research and development center (FFRDC) to a university research laboratory. Accordingly, the conferees approve an increase in funding for electromechanics and hypervelocity physics, PE 601104A, from $3.712 million to $6.0 million.

Materials technology

The budget request included $11.288 million for materials technology.

The House bill would authorize $19.788 million, an increase of $8.5 million for ductile iron technology.

The Senate amendment would authorize $15.288 million, an increase of $4.0 million for Army advanced composite materials research.

The conferees agree to authorize $17.288 million for materials technology. Out of this amount, $4.0 million would be for composite materials and $2.0 million for ductile iron technologies.

Although Congress is interested in ductile iron technology, financial constraints prevent adding more than $2.0 million for ductile iron research at this time. The conferees urge the Army to consider ductile iron technology as a priority development for the technology base. The Army should consider directing a portion of these funds to the Tank and Automotive Command to facilitate final field testing of the cast ductile iron track components.

Microwave camera

The budget request included $28.8 million for electronic survivability and fuzing technology in PE 62120A.

The House bill would authorize an additional $6.0 million for the continuation of microwave camera development.

The Senate amendment contained no similar funding.

The conferees agree to authorize the request amount and urge the Department of Defense to give priority to completing the microwave camera technology base development within existing funding for RDT&E program elements.

Chemical and biological defense programs

The House bill recommended the transfer of $1.8 million from the Air Force and $8.7 million from the Navy to the Army for chemical and biological exploratory and advanced development. The House bill also recommended an additional $10.0 million in program element 602622A to promote greater international cooperation in research and development for chemical and biological defense.

The Senate amendment would authorize the requested amount.

The House recedes and notes that title XVII of this act directs that funding for the military services' chemical and biological defense programs be integrated in a separate defense account after fiscal year 1994. The conferees transfer funds back to the Air Force and Navy accounts for fiscal year 1994.

High explosive materials

The budget request contained $34.8 million for weapons and munitions technology (PE 62624A).

The House bill would authorize an additional $4.0 million for industrial base activity associated with high explosive materials.

The Senate amendment contained no similar funding.

The conferees note that the Army, in its revised modernization plan, made significant reductions in ammunition production to help achieve overall five year funding reduction targets. This will further degrade the dwindling ammunition industrial base. The conferees agree to authorize an additional $2.0 million in PE 62624A, for a total of $36.8 million, to begin investigative activity for a small scale pilot production facility at the Longhorn Army ammunition plant.

Battery technology

The budget request contained $19.4 million for electronics and electronics devices.

The House bill would add $3.0 million to continue battery research for the purposes detailed in the House report (H. Rept. 103-200).

The Senate amendment contained no similar funding.

The House recedes. The conferees agree that portable power is vitally important to the soldier in the field and direct the Army to ensure a strong program in battery research, with emphasis on low cost, recycling, and pollution-tolerant battery systems.

Environmental quality technology

The budget request contained $21.2 million for environmental quality technology in PE 602720A.

The House bill would provide an additional $43.0 million for a number of programs, including $10.0 million for expansion of testing at the Jefferson Proving Ground, Indiana.

The Senate amendment added $15.4 million to the same program element, which included funding for the Jefferson Proving Ground (JPG) environmental program.

The conferees agree that there is substantial merit in continuing the effort at JPG. The conferees approve $10.0 million to continue the Jefferson Proving Ground program to improve and accelerate the state of the art of unexploded ordnance detection and remediation technologies in order to facilitate the rehabilitation of millions of acres of land on military reservations. The conferees also approve an additional $12.0 million, for a total authorization of $43.2 million, to continue or begin new work on other programs detailed in the House and Senate reports.

Telemedicine

The House bill would provide an additional $1.25 million for a telemedicine test bed demonstration by the Army Medical Research Development Command, the Advanced Research Projects Agency, and the Naval Research Laboratory.

The Senate amendment would provide an additional $10.0 million to the Office of the Secretary of Defense to accelerate the application of computers and communications technologies to the reduction of health care costs.

The conferees agree to provide an additional $10.5 million in PE 603002A for increased telemedicine research and development activity to include imaging, diagnostics, and electronic connectivity of other military and federal facilities to demonstrate emerging telemedicine capabilities.

Project Plowshares

The Senate amendment would authorize $5.0 million to demonstrate a prototype training system for disaster preparedness training. The goal of this project—named Project Plowshares—is to develop a computer-based training system for civilian disaster preparedness by using advance modeling and distributed simulation technology.

The House bill contained no similar funding.

The Senate recedes. The conferees commend the Army and the Army's Simulation, Training, and Instrumentation Command for launching this innovative project. Project Plowshares represents an excellent application of military technology to the civil sector. The project will permit civilian authorities to test their disaster preparedness plans more realistically. The project may also provide a command and control system for use in responding to natural disasters and other emergencies.

The conferees endorse the Army's efforts and strongly recommend that the Department of Defense consider reprogramming funds to support the Project Plowshares program in fiscal year 1994. The conferees recommend most strongly that funding for the program be included in the fiscal year 1995 budget request.

Army tactical exploitation of national capabilities

The budget request included $67.9 million for the development of tactical exploitation of national capabilities (TENCAP).

The House bill would reduce the request by $20.0 million to begin phase-out of the electronic processing and dissemination system (EPDS).

The Senate amendment approved the requested amount.

The conferees agree to authorize the amount requested for RDT&E, but reduce the amount requested for operation and maintenance by $5.0 million for budgetary reasons.

Multiple launch rocket system enhancements

The budget request included $40.9 million for various product improvements for the multiple launch rocket system (MLRS). Out of this total, $17.3 million would be used to develop extended range MLRS rockets. The Army intends to begin producing these improved rockets in fiscal year 2000.

The House bill and the Senate amendment would approve the requested amount.

The conferees understand that the Army could accelerate this schedule to begin production in fiscal year 1997 or earlier. The conferees believe that accelerated development and production of extended range rockets would have several benefits. The benefits could include fielding better capabilities and protecting the industrial base. As described elsewhere in this statement of managers, the conferees believe that adapting the brilliant anti-tank (BAT) submunition for extended range MLRS rockets is an attractive option. Therefore, the conferees strongly urge the Army to accelerate extended range MLRS rocket development. The conferees expect the Army to adjust the future years defense program to reflect this acceleration.

Palletized loading system (PLS) flat rack

The National Defense Authorization Act for Fiscal Year 1993 provided funds to the Army to develop, fabricate, and test prototype 3,000-3,500 gallon fuel and water tanks for the palletized loading system (PLS). The conferees understand that the Army plans to expand and complete this effort through the development, fabrication, and testing of a series of PLS flat racks necessary for engineering equipment and a heavy repair vehicle which makes use of the PLS chassis. The conferees support this undertaking and urge the Army to request the reprogramming of funds sufficient to complete this effort.

All source analysis system

The budget request included $59.7 million for the Army's all source analysis system (ASAS), which is designed to provide timely, accurate situational intelligence and target support to service, component, and joint commanders.

The House bill would deny $39.0 million in procurement and operation and maintenance funding for the ASAS Block I, and increase research and development for ASAS Block II by $9.0 million.

The Senate amendment approved the requested amount.

The conferees agree to a $12.5 million reduction in procurement and a $10.0 million reduction in operation and maintenance of ASAS Block I. The conferees also authorize an additional $9.0 million in research and development to accelerate ASAS Block II.

The conferees are pleased that the Army has taken the proper steps to reorient the ASAS program and are encouraged by the Army's plan to accelerate Block II development by rapidly prototyping the WARRIOR baseline system. The conferees believe that, if the Department of Defense and the Army continue to adhere to standard, major weapon system acquisition policies for ASAS, the rapid advances in information processing technology will continue to result in the fielding of outdated equipment. The conferees, therefore, encourage the Army to adopt an evolutionary development strategy to quickly equip the force with the WARRIOR baseline capability and to ensure the system conforms to the workstation standards established by the joint deployable intelligence support system (JDISS) program office. In light of the ASAS program's lower than anticipated costs, as reflected by Army and OSD independent cost estimates, and the need to speed the normal acquisition process, the conferees direct OSD to delegate acquisition authority to the Army by downgrading ASAS to an acquisition category II system.

Sense and destroy armor munition

The Army intends to use the sense and destroy armor munition (SADARM) in both 155mm artillery projectiles and multiple launch rocket system (MLRS) rockets. The budget request contained $41.0 million or research and development and $77.7 million for initial SADARM production. The budget request would have begun low rate initial production in the first quarter of fiscal year 1994.

The House bill would approve the research and development request, but would approve only $42.5 million for procurement. The House report (H. Rept. 103-200) recommended that the Army reprogram procurement funds to cover any additional research and development needs.

The Senate amendment would provide $98.7 million in research and development to continue SADARM engineering and manufacturing systems development, but would deny SADARM procurement this year.

Serious technical problems have now surfaced in the SADARM testing program. Since 1986, the Army has spent over $800.0 million developing SADARM. The Army has now indicated that it will have to extend SADARM development by 27 months and spend more than $98.0 million in fiscal year 1994 to address the technical problems.

THe Army cannot assure the conferees that it can resolve these problems. The conferees are disappointed that SADARM has serious technical problems, resulting in poor testing performance. Nevertheless, the conferees are concerned that, without SADARM, the Army will have no modern artillery projectile or submunition with terminal guidance.

The conferees agree to provide $28.5 million. The conferees are unwilling to support a restructured SADARM program until the Army provides more analysis on this issue. The conferees direct the Secretary of the Army to:

(1) maintain the SADARM program in a standby status;

(2) conduct a detailed analysis to determine whether technical problems with SADARM can be resolved;

(3) reexamine the requirements for SADARM and other terminally guided munitions;

(4) evaluate other programs and technologies to determine whether there are alternatives that could yield terminally guided submunitions for 155mm artillery projectiles and MLRS rockets;

(5) examine alternatives to using artillery projectiles or ballistic rockets (e.g., fiber-optic guided weapons and air-delivered ordnance) for attacking the targets for which SADARM was designed; and

(6) report to the congressional defense committees on the results of these analyses by May 2, 1994.

The Secretary's report should recommend a course of action for fielding terminally guided submunitions, either SADARM or some alternative. The recommendations in this report should reflect funding available in the future years defense program.

Avenger complementary missile

The budget request did not contain funds to continue the ongoing review of complementary missiles for various Army and Marine Corps air defense platforms.

The House bill recommended $9.0 million in the Army's missile procurement account for this purpose.

The Senate amendment contained no similar recommendation.

The conferees note that Congress provided the Army with $7.9 million in fiscal year 1993 to review potential complementary missiles to the Stinger on Avenger, Bradley and light armored vehicle-air defense (LAV-AD) vehicles. The evaluation is currently underway, but the Army has reported that the funds available are insufficient to include live-fire tests of candidate missiles against representative threat targets. The conferees understand that the Army has narrowed the field of candidate missiles and believe that live-fire tests of available candidates is an essential part of the evaluation process.

Therefore, the conferees agree to provide $9.0 million in Army research and development to be used for the purpose of preparing for the conducting live-fire tests of complementary missile candidates. The conferees direct the Secretary of the Army to report the results of these tests to the congressional defense committees not later than June 15, 1994.

Environmental remediation demonstration project

The budget request contained $44.0 million for environmental compliance (PE 65856A).

The House bill would authorize an additional $4.0 million in PE 65856A for the Army to participate with a university in a cooperative environmental remediation demonstration project at the Fort Ord, California landfill.

The Senate amendment contained no similar funding.

The Senate recedes.

Remediation technology for the detection, location, classification, and inventory of unexploded ordnance

The conferees continue to support Department of the Army efforts to examine detection and remediation technologies for unexploded ordnance (UXO). Congress established a program last year at Jefferson Proving Ground (JPG), Indiana within the Army's environmental quality technology program, to research the detection and removal of unexploded ordnance (UXO) in ordnance-contaminated areas. However, only a portion of the funds authorized and appropriated for fiscal year 1993 were used in limited demonstrations of some systems. The conferees are concerned about the lack of progress in the remediation of sites contaminated with buried UXO, the techniques for collecting and archiving data, and the lack of adequate site investigation standards.

The conferees direct the Army to expedite its plan to establish controlled test sites at JPG for the testing of detection and remediation systems and technologies, and to conduct a competition during 1994. The conferees direct the Army to invite all technologies and systems to demonstrate their capabilities at the controlled sites. Upon conclusion of the competition, the best performing system or systems should demonstrate the equipment's capabilities at a field test site at JPG and at four geologically different demonstration sites.

The four demonstration sites should be selected in coordination with the congressional defense committees during 1994, based on the Army's requirements. These four sites should be drawn from active installations, formerly utilized defense sites (FUDS), base realignment and closure (BRAC) sites, and installation remediation program (IRP) sites. Individual demonstration sites for commercial systems should be of sufficient size to demonstrate technical maturity and robustness, preferably 300-500 acres. Sites for testing developmental systems should be appropriate for the system tested.

Upon completion of the JPG competition, the Army should establish guidelines for: detection of UXO; preliminary minimum performance standards for the collection of data and processing of records based on the capabilities and limitations of the best detection systems; and the standards for Department of Defense land use established by the Explosive Safety Board. These guidelines should formalize, to the maximum extent possible, those procedures necessary to investigate contaminated sites and to enable companies to bid on work. Matters such as information to offerers or quoters, evaluation factors for awards, and estimation criteria for costs (e.g., estimating the cost by job, rather than by manhours) should then be promptly modified to permit the use of new systems. The objective of this effort is to identify the systems which offer the best capability to expedite detection of UXO on active installations, IRP, FUDS, or BRAC sites.

Following completion of the testing described above, the controlled test sites at JPG should continue to be used to test and demonstrate new detection systems as they are developed. Because numerous contaminated sites are available at JPG, field sites should also be made available to companies and other entities to demonstrate both new detection and remediation methods and systems.

Exploratory research

It has come to the conferees' attention that the Department of Defense started to transfer a large proportion of its exploratory research from within the Department to universities and industry. The conferees are concerned that, while the intent of this initiative may have merit, the DOD directive, as implemented by the military services, may have severe and unintended consequences on military-unique research and development activities. Specifically, as a result of Office of the Secretary of Defense budget decision 755, the Army is seeking a 12

percent across-the-board cut to science programs, including a two-thirds personnel reduction in scientists and engineer positions.

The Army's aeromedical research and development laboratory (USAARL), which provides vital human medical, safety, and performance research specifically oriented for the Army aviator, is a unique facility that focuses on the aviator's performance in harsh helicopter environments and also performs a great deal of research with regard to female aviators. The conferees are concerned that the Department of Defense's action could severely reduce the aeromedical laboratory's unique capabilities that currently do not exist in the commercial economy and cannot be replicated without considerable expense. The conferees believe an assessment should be made before these important research facilities are eliminated.

The conferees direct the Secretary of Defense to complete an assessment of the Department's exploratory research and development base and to report to the congressional defense committees, prior to February 1, 1994, the extent to which DOD—unique exploratory research activities will be affected by the programmed budget directives that the military services are implementing.

RESEARCH AND DEVELOPMENT, NAVY

Overview

The budget request for fiscal year 1994 contained an authorization of $9,215.6 million for Navy research, development, test and evaluation. The House bill would authorize $8,737.0 million. The Senate amendment would authorize $8,338.9 million. The conferees recommend authorization of $8,376.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL NAVY								
1	61152N	IN-HOUSE INDEPENDENT LABORATORY RESEARCH	16,985		16,985		16,985			16,985
2	61153N	DEFENSE RESEARCH SCIENCES	416,922	11,500	428,422	-10,000	406,922	21,500	750	417,672
3	62111N	SURFACE/AEROSPACE SURV & WEAPONS TECH	67,305	5,000	72,305	25,000	92,305	-20,000	10,000	77,305
4	62121N	SURFACE SHIP TECHNOLOGY	17,495	3,300	20,795		17,495	3,300		17,495
5	62122N	AIRCRAFT TECHNOLOGY	21,253		21,253		21,253			21,253
6	62131M	MARINE CORPS LANDING FORCE TECHNOLOGY	17,225		17,225		17,225			17,225
7	62232N	COMMAND, CONTROL, COMMUNICATIONS TECH	18,155		18,155		18,155			18,155
8	62233N	MISSION SUPPORT TECHNOLOGY	34,424	22,600	57,024		34,424	22,600	2,400	36,824
9	62234N	MATERIALS, ELECTRONICS AND COMPUTER TECH	71,063		71,063		71,063			71,063
10	62270N	ELECTRONIC WARFARE TECHNOLOGY	14,896		14,896		14,896			14,896
11	62314N	UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	107,960	1,000	108,960		107,960	1,000		107,960
12	62315N	MINE COUNTERMEASURES, MINING & SPEC WAR	21,944		21,944		21,944			21,944
13	62323N	SUBMARINE TECHNOLOGY	14,575		14,575		14,575			14,575
14	62435N	OCEANOGRAPHIC AND ATMOSPHERIC TECH	37,711		37,711		37,711			37,711
		GENERAL REDUCTION, 92 LEVEL								
15	62790N	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	86,113		86,113		86,113		-7,834	78,279
16	63217N	AIR SYSTEMS ADVANCED TECHNOLOGY DEVELOP	30,005	1,439	31,444		30,005	1,439	9,000	39,005
17	63238N	GLOBAL SURV/AIR DEFENSE/PRECISION STRIKE	50,999	-8,000	42,999	-6,000	44,999	-2,000	-14,000	36,999
18	63270N	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	12,983		12,983		12,983			12,983
19	63508N	SHIP PROPULSION SYSTEM	3,439		3,439		3,439			3,439
20	63555N	UNDERSEA SUPERIORITY TECHNOLOGY DEMONS	95,438	-17,000	78,438		95,438	-17,000	-25,438	70,000
21	63563N	SHIP CONCEPT ADVANCED DESIGN	18,820		18,820	3,000	21,820	-3,000		18,820
22	63640M	MARINE CORPS ADVANCED TECHNOLOGY DEMONS	35,815	-5,000	30,815		35,815	-5,000	-5,000	30,815
23	63706N	MEDICAL DEVELOPMENT	16,956	5,000	21,956		16,956	5,000		16,956
24	63707N	MANPOWER, PERSONNEL AND TRAINING	18,652	3,800	22,452	-5,000	13,652	8,800	-1,200	17,452
25	63712N	GENERIC LOGISTICS R&D TECHNOLOGY DEMONS	13,720		13,720		13,720			13,720
26	63747N	ADVANCED ANTI-SUBMARINE WARFARE TECH	49,172	19,000	68,172		49,172	19,000	4,000	53,172
27	63782N	SHALLOW WATER MCM DEMOS	5,148		5,148		5,148			5,148
28	63792N	ADVANCED TECHNOLOGY TRANSITION	63,394	-5,000	58,394	4,000	67,394	-9,000	4,000	67,394
29	63794N	C3 ADVANCED TECHNOLOGY	10,747		10,747		10,747			10,747
30	63451N	TACTICAL SPACE OPERATIONS	2,018		2,018		2,018			2,018
31	63735N	WWMCCS ARCHITECTURE SUPPORT								
32	63741N	SATELLITE LASER COMMUNICATIONS (H)								

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
33	65856N	STRATEGIC TECHNICAL SUPPORT	3,781		3,781		3,781			3,781
34	11221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	54,295		54,295		54,295			54,295
35	11224N	SSBN SECURITY/SURVIVABILITY PROGRAM	27,835		27,835	22,500	50,335	-22,500	9,000	36,835
36	11226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	16,800		16,800		16,800			16,800
37	11402N	NAVY STRATEGIC COMMUNICATIONS	36,184		36,184		36,184			36,184
38	12427N	NAVAL SPACE SURVEILLANCE	735		735		735			735
39	33152N	WORLD-WIDE MILITARY COMMAND AND CONTROL								
40	63109N	INTEGRATED AIRCRAFT AVIONICS								
41	63207N	AIR/OCEAN TACTICAL APPLICATIONS	16,239		16,239		16,239			16,239
42	63208N	TRAINING SYSTEM AIRCRAFT	32,565		32,565		32,565		-1,626	30,939
43	63216N	AVIATION SURVIVABILITY	13,672	9,100	22,772		13,672	9,100	9,100	22,772
44	63231N	NEXT GENERATION FIGHTER/NATF				50,000	50,000	-50,000		
45	63254N	ASW SYSTEMS DEVELOPMENT	35,238		35,238		35,238			35,238
46	63261N	TACTICAL AIRBORNE RECONNAISSANCE	30,358	-27,217	3,141	-27,200	3,158	-17	-30,358	
46a		TACTICAL AIRBORNE RECON PY SAVINGS				-12,200	-12,200	12,200		
47	63320N	LOW COST ANTI-RADIATION SEEKER								
48	63321N	ADVANCED AIR-TO-AIR MISSILE (AAAM)								
49	63382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	3,750		3,750		3,750			3,750
50	63502N	UNDERSEA WARFARE & MCM DEVELOPMENT	65,660		65,660		65,660		-15,660	50,000
51	63504N	ADVANCED SUBMARINE COMBAT SYSTEMS DEV	20,341		20,341		20,341			20,341
52	63506N	SURFACE SHIP TORPEDO DEFENSE	34,482	7,800	42,282		34,482	7,800		34,482
53	63512N	CARRIER SYSTEMS DEVELOPMENT	11,221		11,221		11,221			11,221
54	63513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	27,824		27,824		27,824			27,824
55	63514N	SHIP COMBAT SURVIVABILITY	17,315	-2,727	14,588		17,315	-2,727		17,315
56	63525N	PILOT FISH	26,884		26,884		26,884			26,884
57	63528N	NON-ACOUSTIC ANTI-SUBMARINE WARFARE	13,999		13,999		13,999			13,999
58	63536N	RETRACT JUNIPER	32,560	-10,000	22,560		32,560	-10,000		32,560
59	63542N	RADIOLOGICAL CONTROL	3,291		3,291		3,291			3,291
60	63553N	SURFACE ASW	21,150		21,150		21,150			21,150
61	63561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	142,068	-7,800	134,268		142,068	-7,800	-7,800	134,268
62	63562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,518		9,518		9,518			9,518
63	63564N	SHIP PRELIM DESIGN & FEASIBILITY STUDIES	58,764		58,764		58,764			58,764
64	63570N	ADVANCED NUCLEAR POWER SYSTEMS	136,651		136,651		136,651			136,651
65	63573N	ADVANCED SURFACE MACHINERY SYSTEMS	92,328	5,000	97,328		92,328	5,000		92,328

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
66	63576N	CHALK EAGLE	71,003		71,003		71,003			71,003
67	63582N	COMBAT SYSTEM INTEGRATION	6,842		6,842		6,842			6,842
68	63591N	JOINT ADVANCED SYSTEMS								
69	63601N	MINE DEVELOPMENT								
70	63609N	CONVENTIONAL MUNITIONS	42,632		42,632		42,632			42,632
71	63610N	ADVANCED WARHEAD DEVELOPMENT (MK-50)								
72	63611M	MARINE CORPS ASSAULT VEHICLES	20,554	8,000	28,554	5,900	26,454	2,100	5,900	26,454
73	63612M	MARINE CORPS MINE/COUNTERMEASURES SYS	2,743		2,743		2,743			2,743
74	63634N	ELECTROMAGNETIC EFFECTS PROTECTION DEV	5,104		5,104		5,104			5,104
75	63635M	MARINE CORPS GROUND COMBAT/SUPPORT SYS	27,624	249	27,873		27,624	249		27,624
76	63654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	9,359		9,359		9,359			9,359
77	63691N	MK 48 ADCAP - ADV DEV	27,248		27,248		27,248			27,248
78	63708N	ASW SIGNAL PROCESSING								
79	63709N	ADVANCED MARINE BIOLOGICAL SYSTEM	3,470		3,470		3,470			3,470
80	63711N	FLEET TACTICAL DEVELOPMENT AND EVAL PROG	4,464		4,464		4,464			4,464
81	63713N	OCEAN ENGINEERING TECHNOLOGY DEVELOP	11,783		11,783		11,783			11,783
82	63724N	NAVY ENERGY PROGRAM	4,329		4,329		4,329			4,329
83	63725N	FACILITIES IMPROVEMENT	1,383		1,383		1,383			1,383
84	63726N	MERCHANT SHIP NAVAL AUGMENTATION PROGRAM								
85	63734N	CHALK CORAL	71,969		71,969		71,969			71,969
86	63737N	LINK HAZEL								
87	63740N	LINK LAUREL								
88	63746N	RETRACT MAPLE	124,408		124,408		124,408			124,408
89	63748N	LINK PLUMERIA	40,109		40,109	-3,000	37,109	3,000		40,109
90	63750N	CHALK WEED								
91	63751N	RETRACT ELM	62,997		62,997		62,997			62,997
92	63752N	CHALK POINSETTIA								
93	63755N	SHIP SELF DEFENSE	237,204	35,000	272,204	28,900	266,104	6,100	19,100	256,304
94	63763N	WARFARE SYSTEMS ARCHITECTURE & ENGINEER	7,033		7,033		7,033		-3,516	3,517
95	63785N	COMBAT SYSTEMS OCEANOGRAPHIC PERFORMANCE	19,850		19,850		19,850			19,850
96	63787N	SPECIAL PROCESSES	29,863		29,863		29,863			29,863
97	63795N	GUN WEAPON SYSTEM TECHNOLOGY	17,247	7,500	24,747		17,247	7,500	7,500	24,747
98	64212N	ASW AND OTHER HELO DEVELOPMENT	82,243		82,243		82,243			82,243
99	64214N	AV-8B AIRCRAFT - ENG DEV	18,284		18,284		18,284			18,284

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
100	64215N	STANDARDS DEVELOPMENT	13,724		13,724		13,724			13,724
101	64217N	S-3 WEAPON SYSTEM IMPROVEMENT	4,187		4,187		4,187			4,187
102	64218N	AIR/OCEAN EQUIPMENT ENGINEERING	6,028		6,028		6,028		-2,385	3,643
103	64221N	P-3 MODERNIZATION PROGRAM	15,134		15,134		15,134			15,134
104	64233N	AFX	399,218	-399,218		-399,218			-399,218	
		AFX PRIOR YEAR SAVINGS				-125,000	-125,000	125,000		
105	64261N	ACOUSTIC SEARCH SENSORS	31,775		31,775		31,775			31,775
106	64262N	V-22A	82,295		82,295	-72,295	10,000	72,295	-72,295	10,000
107	64264N	AIR CREW SYSTEMS DEVELOPMENT	11,126	3,900	15,026		11,126	3,900	3,850	14,976
108	64265N	AIR LAUNCHED SATURATION SYSTEM (ALSS)								
109	64270N	EW DEVELOPMENT	128,850	3,000	131,850		128,850	3,000		128,850
110	64301N	MK 92 FIRE CONTROL SYSTEM UPGRADE	1,063		1,063		1,063			1,063
111	64307N	AEGIS COMBAT SYSTEM ENGINEERING	103,995		103,995		103,995			103,995
112	64312N	TRI-SERVICE STANDOFF ATTACK MISSILE	75,430	-65,000	10,430		75,430	-65,000		75,430
113	64314N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	15,159		15,159		15,159		-15,159	
114	64354N	AIR-TO-AIR MISSILE SYSTEMS ENGINEERING	7,098		7,098		7,098			7,098
115	64366N	STANDARD MISSILE IMPROVEMENTS	63,022		63,022		63,022			63,022
116	64372N	NEW THREAT UPGRADE	4,662		4,662		4,662			4,662
117	64373N	AIRBORNE MCM	33,155	10,000	43,155		33,155	10,000		33,155
118	64503N	SSN-688 AND TRIDENT MODERNIZATION	56,549	-37,000	19,549		56,549	-37,000	-4,716	51,833
119	64504N	AIR CONTROL	9,993		9,993		9,993			9,993
120	64507N	ENHANCED MODULAR SIGNAL PROCESSOR	13,443		13,443		13,443			13,443
121	64512N	SHIPBOARD AVIATION SYSTEMS	1,404		1,404		1,404			1,404
122	64516N	SHIP SURVIVABILITY	10,292		10,292		10,292			10,292
123	64518N	COMBAT INFORMATION CENTER CONVERSION	11,534		11,534		11,534			11,534
124	64524N	SUBMARINE COMBAT SYSTEM	87,481		87,481		87,481			87,481
125	64558N	NEW DESIGN SSN	240,222		240,222		240,222			240,222
126	64561N	SSN-21 DEVELOPMENTS	76,129		76,129		76,129			76,129
127	64562N	SUBMARINE TACTICAL WARFARE SYSTEM	25,427		25,427		25,427			25,427
128	64567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	47,137		47,137		47,137			47,137
129	64574N	NAVY TACTICAL COMPUTER RESOURCES	17,572		17,572		17,572			17,572
130	64601N	MINE DEVELOPMENT	5,666		5,666		5,666			5,666
131	64602N	NAVAL GUNNERY IMPROVEMENTS								
132	64603N	UNGUIDED CONVENTIONAL AIR-LAUNCHED WPNS	29,972		29,972		29,972			29,972

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
133	64610N	MK 50 TORPEDO								
134	64612M	MARINE CORPS MINE COUNTERMEASURES SYSTEM	1,298		1,298		1,298			1,298
135	64618N	JOINT DIRECT ATTACK MUNITION	10,352		10,352		10,352			10,352
136	64654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	6,266		6,266		6,266			6,266
137	64656M	MARINE CORPS ASSAULT VEHICLES - ENG DEV								
138	64707N	PACE/EW (SEW) ARCHITECTURE/ENGINEERING	11,916	-5,000	6,916		11,916	-5,000	-2,000	9,916
139	64710N	NAVY ENERGY PROGRAM	3,137		3,137		3,137			3,137
140	64715N	SURFACE WARFARE TRAINING DEVICES								
141	64719M	MARINE CORPS C3 SYSTEMS	26,223		26,223		26,223			26,223
142	64727N	JOINT STANDOFF WEAPON SYSTEMS	80,503		80,503		80,503			80,503
143	64755N	SHIP SELF DEFENSE	116,760		116,760		116,760			116,760
144	64761N	INTELLIGENCE	345		345		345			345
145	64771N	MEDICAL DEVELOPMENTS	4,030		4,030		4,030			4,030
146	64777N	NAVIGATION/ID SYSTEM	80,047		80,047		80,047			80,047
147	64784N	DISTRIBUTED SURVEILLANCE SYSTEM	135,879	-15,000	120,879		135,879	-15,000	-9,283	126,596
148	65867N	SEW SURVEILLANCE/RECONAISSANCE SUPPORT	17,863		17,863		17,863			17,863
149	24134N	A-6 SQUADRONS								
150	24136N	F/A-18 SQUADRONS	1,485,496		1,485,496		1,485,496		-27,000	1,458,496
151	24152N	E-2 SQUADRONS	48,930		48,930		48,930		-30,000	18,930
152	24163N	FLEET TELECOMMUNICATIONS (TACTICAL)	34,435		34,435		34,435			34,435
153	24229N	TOMAHAWK/TOMAHAWK MISSION PLANNING CTR	47,440		47,440		47,440			47,440
154	24311N	INTEGRATED SURVEILLANCE SYSTEM	71,781		71,781		71,781			71,781
155	24413N	AMPHIBIOUS TACTICAL SUPPORT UNITS	2,823		2,823		2,823			2,823
156	24571N	CONSOLIDATED TRAINING SYSTEMS DEVELOP	37,200		37,200		37,200			37,200
157	25604N	TACTICAL DATA LINKS	39,562		39,562		39,562			39,562
158	25620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,905		24,905		24,905		-5,000	19,905
159	25633N	AVIATION IMPROVEMENTS	74,976		74,976		74,976			74,976
160	25667N	F-14 UPGRADE	71,995	78,000	149,995		71,995	78,000	78,000	149,995
161	25675N	OPERATIONAL REACTOR DEVELOPMENT	57,784		57,784		57,784			57,784
162	26313M	MARINE CORPS COMMUNICATIONS	9,151		9,151		9,151			9,151
163	26623M	MARINE CORPS GROUND COMBAT/SUPPORT ARMS	24,259	-2,000	22,259	5,100	29,359	-7,100		24,259
164	26624M	MARINE CORPS COMBAT SERVICES SUPPORT	9,656	-1,000	8,656		9,656	-1,000	-1,000	8,656
165	26625M	MARINE CORPS INTELLIGENCE/EW SYSTEMS	22,772		22,772		22,772		-3,000	19,772
166	26626M	MARINE CORPS C3 SYSTEMS	36,735	-4,000	32,735		36,735	-4,000		36,735

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		MARK 46 TORPEDO								
167	64231N	TACTICAL COMMAND SYSTEM	30,617		30,617		30,617			30,617
168	64721N	BATTLE GROUP PASSIVE HORIZON EXTENSION	24,735		24,735		24,735			24,735
169	65866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW)	5,819		5,819		5,819		-1,500	4,319
170	33127N	TECHNICAL RECONNAISSANCE & SURVEILLANCE	[ ]	[-5,000]	[ ]	[-12,500]	[ ]	[7,500]	[-9,800]	[ ]
171	33109N	SATELLITE COMMUNICATIONS	55,782		55,782	-43,000	12,782	43,000	-43,000	12,782
172	33140N	INFORMATION SYSTEMS SECURITY PROGRAM	[ ]		[ ]		[ ]			[ ]
173	34111N	SPECIAL ACTIVITIES	[ ]	[-60,000]	[ ]	[-143,300]	[ ]	[83,300]	[-62,500]	[ ]
174	35889N	INTEL SUPPORT TO OSD COUNTERNARCOTICS								
999		INTEL/COMMUNICATIONS CLASSIFIED	628,026	-65,000	563,026	-155,800	472,226	90,800	-72,300	555,726
175	63721N	ENVIRONMENTAL PROTECTION	44,461		44,461		44,461			44,461
176	64256N	THREAT SIMULATOR DEVELOPMENT	29,857		29,857		29,857			29,857
177	64258N	TARGET SYSTEMS DEVELOPMENT	37,474		37,474		37,474			37,474
178	64703N	PERSONNEL, TRAINING, SIMULATION, & HUMAN	1,069		1,069		1,069			1,069
179	64759N	MAJOR T&E INVESTMENT	52,496		52,496	-10,000	42,496	10,000	-5,000	47,496
180	65152N	STUDIES AND ANALYSIS SUPPORT - NAVY	3,856		3,856		3,856			3,856
181	65154N	CENTER FOR NAVAL ANALYSES	43,260	-1,500	41,760		43,260	-1,500		43,260
182	65155N	FLEET TACTICAL DEVELOPMENT AND EVAL	4,456		4,456		4,456			4,456
183	65502N	SMALL BUSINESS INNOVATIVE RESEARCH								
184	65804N	TECHNICAL INFORMATION SERVICES	10,273		10,273		10,273			10,273
185	65853N	MANAGEMENT, TECHNICAL & INTERNTL SUPPORT	12,787		12,787	-3,000	9,787	3,000	-1,500	11,287
186	65861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	60,767		60,767	-5,000	55,767	5,000	-5,000	55,767
187	65862N	RDT&E INSTRUMENTATION MODERNIZATION	39,419		39,419		39,419			39,419
188	65863N	RDT&E SHIP AND AIRCRAFT SUPPORT	80,587		80,587	-5,000	75,587	5,000	-5,000	75,587
189	65864N	TEST AND EVALUATION SUPPORT	293,422		293,422	-20,000	273,422	20,000	-15,000	278,422
190	65865N	OPERATIONAL TEST/EVALUATION CAPABILITY	8,329		8,329		8,329			8,329
191	65871M	MARINE CORPS TENCAP	1,314	3,000	4,314		1,314	3,000	3,000	4,314
192	65872N	PRODUCTIVITY INVESTMENTS								
193	65873M	LONG RANGE PLANNING SUPPORT	14,374		14,374	-5,000	9,374	5,000	-8,319	6,055
194	25658N	NAVY SCIENCE ASSISTANCE PROGRAM	6,668		6,668		6,668			6,668
195	35160N	DEFENSE METEOROLOGICAL SATELLITE PROGRAM	11,550		11,550		11,550			11,550
196	78011N	MANUFACTURING SCIENCE & TECHNOLOGY				50,000	50,000	-50,000		
196A		INDUSTRIAL PREPAREDNESS/MANTECH		120,000	120,000			120,000		
197	91600N	CONTRACT ADMINISTRATION/AUDIT	164,360	-164,360		-164,360			164,360	

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
198	99999N	FINANCING FOR CANCELLED ACCOUNT ADJUST								
		REENTRTY VEHICLE INDUSTRIAL BASE		5,000	5,000			5,000		
		UNDISTRIBUTED/OVERHEAD		-5,000	-5,000			-5,000		
		WEAPONS SYSTEM LETHALITY								
		WEAPONS SYSTEM OPERABILITY								
		GRANTS, SUBSIDIES & CONTRIBUTIONS								
		TOTAL RDT&E NAVY	9,215,604	-478,634	8,736,970	-876,673	8,338,931	398,039	-838,867	8,376,737

Tri-service standoff attack missile

The budget request contained $89.7 million for the Army, $75.4 million for the Navy, and a classified amount for the Air Force to continue development of the tri-service standoff attack missile (TSSAM). The budget request also contained $195.9 million in advance procurement for the Air Force version of the missile.

The House bill would authorize the procurement funds at the requested level. However, the House bill would terminate Army and Navy participation in the TSSAM program. The Army variant of the TSSAM was intended to carry the brilliant antitank (BAT) submunition. The House bill would continue the Army tactical missile system (ATACMS) program and add $20.0 million to integrate the BAT on ATACMS. The House bill also would increase funding for the Air Force to compensate it for the higher costs it would incur with the termination of Army and Navy participation in the program.

The Senate amendment would authorize the requested amounts.

The conferees agree to direct the Army to terminate its participation in the TSSAM program. The conferees also agree to direct the Navy to continue its participation in the TSSAM program. The conferees note that the BAT program began when the operational scenario envisioned massive, Soviet-style tank armies far behind enemy lines moving relentlessly forward. Today, analysts predict the only comparable scenario might be in the very early hours of a tank assault, much as was the case when Iraq invaded Kuwait. In such a scenario, however, the BAT would have little relevance, since it would be launched only by ground-based launchers which could not arrive in the theater for weeks. The Air Force and Navy do not intend to install the BAT on air-launched versions of TSSAM.

It is unlikely that the Army would be in a theater of operations without the Navy and Air Force. Even after the Army arrives in the theater, BAT on ATACMS may not be the answer. The conferees reserve judgment on how our deployed forces should best engage moving tanks 200 miles behind the front lines. For example, it could well be that the Air Force and Navy should deploy BAT on TSSAM. Their forces may have more of a requirement for BAT to blunt massive armored assaults before other forces have deployed to the theater.

The conferees understand, however, that the BAT could be installed on multiple launch rocket system (MLRS) rockets. Deploying BAT in this fashion would limit the attack distance to less than 50 kilometers. The conferees note that this distance is fully within the engagement range of the average division and the organic intelligence capabilities for ground forces. It also would permit Army forces to attack small numbers of enemy tanks without using the large payload designed for ATACMS.

The conferees believe the Army should carefully assess the BAT/ATACMS/MLRS issue. The conferees reserve judgement on the ultimate future of BAT until they have evaluated a comprehensive Department of Defense analysis of anti-armor munitions on indirect-fire weapon systems.

Molecular design center

The budget request included $416.9 million for defense research sciences in PE 61153N.

The House bill would authorize an additional $10.0 million for PE 61153N to initiate a molecular design institute for the purposes detailed in the House report (H. Rept. 103-200).

The Senate amendment contained no similar funding.

The conferees recommend a $750,000 increase in PE 61153N for a total authorization of $417.7 million. The conferees urge the Navy to use $10.0 million of these funds for the initiation of a molecular design institute if available funding in this program element allows. Any such institute shall be initiated on a competitive basis.

Free electron laser

The Senate amendment would authorize $25.0 million in the Navy technology base (PE 62111N) for a defense-oriented free electron laser program.

The House bill contained no similar funding.

The conferees authorize $10.0 million in the Navy program element to sustain research on the application of free electron lasers to military missions, such as ship defense. Separately, the conferees have authorized the requested amount of $19.2 million for the medical free electron laser program.

The conferees note that the Department of Defense appears to have no coherent plans to support a technology base for the military application of high-power lasers. The congressional defense committees are besieged with requests for additional funding for various high-power laser programs for a variety of missions. The conferees direct the Secretary of Defense to develop high-power laser program guidance as part of the defense capability plan mandated under section 2506 of title 10, United States Code, and due to be transmitted to Congress by March 31, 1994.

Replacement of halon gas for fire suppression

The budget request contained $34.4 million for mission support technology (PE 602233N).

The House bill recommended an additional authorization of $22.6 million, including $2.4 million to research, develop, and demonstrate environmentally safe gaseous, non-CFC alternatives to halon gas for fire suppression in military systems and in related industrial and commercial fire suppression applications.

The Senate amendment contained no similar funding.

The conferees agree to authorize an additional $2.4 million for PE 602233N.

Advanced anti-radiation guided missile

The budget request included no funds for continued development of an advanced anti-radiation guided missile (AARGM) with a dual mode seeker.

The House bill included a provision (sec. 218) that would require obligation of $10.1 million in fiscal year 1993 funds for continued AARGM development using technology derived from work done with funding provided through the small business innovative research (SBIR) program. The House bill would provide $12.5 million for this purpose in fiscal year 1994.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that the Marine Corps has an operational requirement for an AARGM-type system. The conferees agree to provide $9.0 million to support the third phase of AARGM development that will lead to a captive flight demonstration. The conferees intend that the Marine Corps pursue a demonstration program with limited scope. The conferees direct that the Navy's internal RDT&E activities for fiscal year 1994 related to the AARGM program shall be limited to government involvement in development design reviews, test and evaluation, and system performance analysis.

The Marine Corps, which has not funded AARGM development, should seek the other military services participation while this effort proceeds. Congress believes that the Navy and the Air Force may want to participate in developing technology for a dual mode seeker that can support the defense suppression mission. Congress, however, does not intend to provide additional funding for this program without a stronger sign of commitment from the Department of Defense.

Interactive multi-dimensional acoustic trainer (IMAT)

The budget request for manpower, personnel, and training contained $18.6 million (PE 63707N).

The House bill recommended an additional $3.8 million in PE 603707N for the exploitation of interactive, computer-assisted training in the interactive multi-dimensional acoustic trainer (IMAT) program.

The Senate amendment contained no similar funding.

The House recedes. The conferees believe that the technology demonstrated in the IMAT program shows great promise for training in the areas of active and passive anti-submarine warfare, mine countermeasures, radar, electronic support measures, crypto-analysis, satellite communications, and other applications. The conferees encourage the Navy to reprogram funds to provide additional support for this innovative training technology in fiscal year 1994. The conferees also encourage the Navy to establish a five-year program that will lead to its adoption for training throughout the service.

Low-low frequency active program

The budget request included $49.2 million for advanced antisubmarine technology.

The House bill would authorize an additional $15.0 million to maintain the schedule for critical at-sea tests of a full low-low frequency active (LLFA) array.

The Senate amendment made no similar recommendation.

The House recedes.

As a part of the next annual update of the antisubmarine warfare master plan, the conferees direct the Secretary of the Navy to assess the potential contribution of LLFA technology to antisubmarine warfare operations in littoral waters. The Secretary also should identify a program for LLFA technology development and evaluation as a part of the Navy's overall antisubmarine warfare program.

Expendable acoustic source technology

The budget request included $49.2 million in program element 0603747N for advanced submarine warfare technology.

The House bill would authorize an additional $4.0 million to exploit the development of extended echo ranging technology for shallow water antisubmarine operations.

The Senate amendment contained no similar funding.

The Senate recedes.

Non-acoustic antisubmarine warfare

The Department of Defense is pursuing a number of projects that are attempting to yield a better understanding of submarine detection. Most research has historically focused on acoustics. The Department has been exploring various other means of submarine detection. These efforts are consolidated under non-acoustic antisubmarine warfare (NAASW) programs. The budget request included $14.0 million in program element 603528N and $25.9 million in program element 603714D for supporting the Navy and Department of Defense NAASW programs, respectively.

The House report (H. Rept. 103-200) directed the Department not to obligate fiscal year 1994 funds in either program until the Under Secretary of Defense for Acquisition had: (1) reviewed both programs; and (2) certified to the Committees on Armed Services of the Senate and the House of Representatives that necessary coordination between the two programs was taking place.

The Senate amendment would approve the budget request.

The conferees understand that the Under Secretary of Defense for Acquisition and Technology has undertaken the review requested by the House report and has taken steps to improve coordination between the two programs. Therefore, the conferees agree that the two programs should proceed without an obligation restriction.

The conferees also have been made aware of another NAASW issue. One of the Navy's NAASW projects is an advanced technology demonstration (ATD) called "ATD-111." The ATD-111 is scheduled for completion in fiscal year 1995.

The conferees note that the Senate Appropriations Committee expressed concern about whether ATD-111 duplicates other, more advanced or more promising technologies in its committee report (S. Rept. 103-153) on the Department of Defense Appropriations bill for Fiscal Year 1994.

The Senate and House conferees did not reach the same conclusion during their respective reviews of the fiscal year 1994 budget request. After learning about this concern, the conferees sought clarification from the Department of the Navy. The Department's response indicates that Congress may have been provided with some erroneous information.

The Navy's position is that there is no related technology, supported by development or procurement funds, which is either more advanced or more promising than the ATD-111 project. Preliminary results from the project's first target trials are impressive. The results also tend to confirm that the project can yield a system that can be shared among operational Navy aircraft, rather than requiring equipment that must be permanently installed.

The conferees are convinced that project ATD-111 has considerable potential and should be continued. Consequently, the conferees agree that the Navy should take immediate action to clarify the conflicting ATD-111 information. If there are other, more advanced or more promising technologies, the conferees need to know about them.

Therefore, the conferees direct the Secretary of the Navy to: (1) search thoroughly for any similar competitive research and development projects; (2) evaluate the relative maturity, capability, and life cycle costs of ATD-111 and any other programs identified in this search; (3) outline an appropriate acquisition strategy that could carry them forward from the development phase; (4) identify additional possible missions these technologies may satisfy; and (5) report the results of these efforts to the congressional defense committees with the submission of the fiscal year 1994 budget request.

Ship main propulsion gas turbine improvements

The budget request included $92.3 million for advanced surface machinery systems.

The House bill recommended an additional $5.0 million to permit the Navy to evaluate the potential for long-term improvements to the LM-2500 gas turbine engine.

The Senate amendment contained no similar funding.

The House recedes.

The conferees support the development of the intercooled recuperated (ICR) gas turbine engine to meet future requirements for an advanced, fuel efficient, high-powered gas turbine for naval surface combatants. The conferees also believe that the Navy should evaluate the option of backfitting an improved LM-2500. The conferees understand that this might trim operating costs for existing naval ships, and, in concert with the ICR engine, cut operating costs in new construction ships.

The conferees direct the Navy to provide the congressional defense committees with a complete life cycle cost analysis of proceeding with an LM-2500R development. Should such improvements prove attractive, the conferees recommend that the Navy consider setting up such a program to work in parallel with the development of the ICR gas turbine.

Army/Marine Corps 155mm lightweight howitzer program

The statement of managers (H. Rept. 102-966) accompanying the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) recommended $13.1 million for the Marine Corps lightweight 155mm howitzer program. The conferees directed that none of those funds be obligated, however, until the Army and Marine Corps established a joint development program and published a joint operational requirement document for the system.

The conferees have learned that the Army and Marine Corps recently signed a memorandum of agreement (MOA) on a 155mm howitzer replacement program. This MOA establishes requirements for the replacement howitzer, identifies a study program, and describes a series of technical evaluations of existing 155mm howitzer prototypes. Having taken these actions, the Army and Marine Corps will be able to establish a joint operational requirements document and a joint development program.

The conferees are also aware that the Army Research Laboratory and XVIII Airborne Corps conducted recent field experiments on towed artillery. These experiments, which applied advanced fire control technologies, show promise for making significant improvements in tactical mobility and the operational effectiveness of towed artillery systems. The conferees believe that the Army and Marine Corps should evaluate such technologies in developing the joint operational requirement for a lightweight 155mm howitzer.

The conferees agree that signing the MOA achieves the result intended by the conferees in restricting fiscal year 1993 funds. The conferees recommend that the Army and Marine Corps implement the program identified in the MOA expeditiously. The conferees also recommend that DOD officials consider including the lightweight 155mm howitzer program as one of the advanced concept and technology demonstrations now being defined in the Office of the Secretary of Defense.

Short-range anti-armor weapon/bunker defeat munition

The budget request included $21.1 million in Navy research and development for the short-range anti-armor weapons (SRAW) development program for the Marine Corps. The budget request also included $6.3 million in Army program element 604802A to begin engineering and manufacturing development for the bunker defeat munition (BDM).

The House report (H. Rept. 103-200) would prohibit the obligation of funds for SRAW and BDM until the Army and Marine Corps establish a joint program to exploit the SRAW design. The House report further directed the Secretary of the Army and the Secretary of the Navy to provide the congressional defense committees a joint report on program plans, schedule, funding requirements, and management structure for a joint program with the fiscal year 1995 budget request.

The Senate report (S. Rept. 103-112) would direct the Secretary of Defense to ensure that the Marine Corps conduct a three-year engineering and manufacturing development (EMD) program for the SRAW antitank weapon. The report also would direct the Marine Corps and Army to pursue a joint program to develop a multipurpose variant of the SRAW warhead.

The conferees agree that the Army should pursue a limited, interim program for a bunker-defeat system. However, the conferees agree that the SRAW and BDM characteristics are too similar to justify maintaining separate programs for the long-term. The conferees believe that the Department of Defense could ultimately field a long-term solution to the problem, perhaps based on the SRAW missile. This system should be capable of defeating bunkers, brick and concrete walls, and light armor targets.

The conferees believe that such a system should take advantage of technology developed in the Army's multipurpose individual munition (MPIM) program. The Marine Corps should integrate the Army multipurpose warhead with its own SRAW missile flight module. The conferees believe that the services should conduct an abbreviated, joint technical demonstration of such a system in fiscal year 1995. A successful demonstration could then lead to a joint EMD effort as early as fiscal year 1996.

Therefore, the conferees direct that the:

(1) Army develop an interim BDM system, with total BDM procurement capped at 30,000 rounds;

(2) Army examine its requirements for short-range, anti-tank weapons and report to the congressional defense committees by February 28, 1994;

(3) Army and Marine Corps initiate a joint program to develop a multipurpose warhead for a SRAW variant using MPIM technology;

(4) Marine Corps fully fund and proceed with the three-year engineering and manufacturing system development for the antitank version of the SRAW system; and

(5) Secretary of the Army and the Secretary of the Navy to report jointly to the congressional defense committees by April 15, 1994, on the SRAW/MPIM program's schedule, funding requirements, and management structure.

Ship self-defense

The budget request included $237.2 million for ship self-defense in program element 63755N.

The House bill would provide an additional $35.0 million for this program. The House report (H. Rept. 102-200) emphasized the need to manage the ship self-defense and cooperative engagement capability efforts as major defense acquisition programs. The House report also established requirements for the appropriate developmental and operational testing for the ship self-defense systems (SSDS) MK-1 and MK-2, the SLQ-32 electronic countermeasures set, and the rolling airframe missile.

The Senate amendment recommended an additional $28.9 million. The amount included $11.0 million to accelerate quick reaction combat capability (QRCC) testing, $11.7

million for continued development and testing of the NULKA active decoy system, and $6.2 million for a classified program.

The conferees agree to provide an additional $19.1 million for ship self-defense. The amount includes $11.0 million for expediting the Navy's QRCC testing effort, and $8.1 million for NULKA decoy testing and integration.

The conferees endorse the House report's position on management of the ship self-defense and cooperative engagement capability programs. In a constrained budget environment, the Navy must establish a self-defense baseline for each class of ship and manage the development of the system and its component elements to that baseline. The Navy must maintain stable and realistic funding in both programs. To this end, the conferees direct the Navy to provide a report detailing its long-term plans for ship self-defense which details these plans and answers the questions raised in the House report.

Navy surface fire support

The budget request included $17.2 million for gun weapons system technology.

The House bill recommended a $7.5 million increase in this program for the WARSHIPS project to improve Navy surface fire support capabilities.

The Senate amendment would approve the requested amount.

The Senate recedes.

The conferees believe that a number of programs show promise for helping to solve the Navy's fire support requirements: (1) the demonstration of the Army's tactical missile system (ATACMS) fired from a naval ship; (2) the cooperative navy/Defense Nuclear Agency electro-thermal chemical gun technology program; (3) advanced technology gun systems under development by the Army that might be applied to the Navy; and (4) improvements being considered for the Standard and Tomahawk missiles.

These programs set the stage for an advanced Navy surface fire support program which should fulfill the initiative the defense authorizing committees began three years ago. The conferees expect the Navy to pursue aggressively this program for improving the Navy's surface fire support of amphibious operations.

Space and electronic warfare architecture

The budget request included $12.2 million to expand space and electronic warfare (SEW) and COPERNICUS studies and technology demonstrations.

The House bill would authorize $7.2 million, a $5.0 million reduction to slow excessive concept study developments.

The Senate amendment approved the requested amount.

The conferees agree the Navy and Joint Staff should continue to pursue new solutions to information management shortfalls, and recommend a $10.2 million authorization for theater mission planning efforts.

Advanced deployable system

The budget request contained $133.8 million for the Navy's fixed distributed system, of which $33.3 million would be used to begin the prototype development of an advanced deployable system (ADS). ADS would satisfy the Navy's emerging undersea surveillance challenges for setting up operations quickly in Third World scenarios.

The House bill would authorize $18.3 million for ADS, a $15.0 million reduction. The House report (H. Rept. 103–200) recommended the reduction to curtail investments in architecture studies for ADS prototyping until the Navy can evaluate the results of the fixed distributed system-deployable (FSD-D) test.

The Senate amendment would authorize the requested amount.

The conferees agree that it would be prudent to first evaluate the performance of key technologies being used in the shallow water FDS–D tests before adopting an ADS prototype architecture. Therefore, the conferees agree to a $9.2 million reduction in the budget request to await the results of the sea trials.

Tomahawk cruises missile program

The House report (H. Rept. 103–200) included a request that the Secretary of the Navy provide a report with the submission of the fiscal year 1995 budget dealing with various aspects of the Tomahawk cruise missile program. The House report requests information on the requirements for future production, development, and upgrade programs for the Tomahawk.

The Senate report (S. Rept. 103–113) contained no similar request.

The conferees agree that the Navy should reassess its inventory and upgrade requirements for this important weapon system.

Small arms development

The budget request included $24.3 million for Marine Corps ground combat/supporting arms systems.

The House bill would transfer $42.0 million for Marine Corps small arms development programs to the joint service small arms program. The House report (H. Rept. 103–200) expressed the view that small arms development programs within the Department of Defense are needlessly fragmented.

The Senate amendment contained no similar recommendation.

The House recedes.

The conferees agree that small arms development programs are fragmented. The conferees endorse the report request in the House report, which called for an assessment of the overall small arms program, including the effectiveness of the joint service small arms program.

Marine Corps tactical exploitation of national capabilities

The budget request included $1.3 million for Marine Corps tactical exploitation of national capabilities (TENCAP) initiatives.

The House bill recommended a $3.0 million increase to enhance the Marine Corps' ability to exploit intelligence information acquired from national reconnaissance systems.

The Senate amendment approved the requested amount.

The Senate recedes. The conferees are also pleased with the Marine Corps intelligence roadmap that responds to congressional concerns. The conferees expect the Marines to adopt innovative measures to ensure that a sufficient number of trained intelligence professionals are assigned to operational and joint commands.

RESEARCH AND DEVELOPMENT, AIR FORCE

Overview

The budget request for fiscal year 1994 contained an authorization of $13,695.0 million for Air Force research, development, test and evaluation. The House bill would authorize $13,446.6 million. The Senate amendment would authorize $12,681.6 million. The conferees recommend authorization of $12,289.2 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL AF								
1	61101F	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	5,155		5,155		5,155			5,155
2	61102F	DEFENSE RESEARCH SCIENCES	241,317	7,000	248,317	-10,000	231,317	17,000	-25,996	215,321
3	62101F	GEOPHYSICS	30,252	2,000	32,252		30,252	2,000		30,252
4	62102F	MATERIALS	70,805	10,000	80,805		70,805	10,000		70,805
5	62201F	AEROSPACE FLIGHT DYNAMICS	64,238		64,238		64,238			64,238
6	62202F	HUMAN SYSTEMS TECHNOLOGY	51,392	-1,819	49,573		51,392	-1,819	-1,819	49,573
7	62203F	AEROSPACE PROPULSION	78,100	3,000	81,100		78,100	3,000	-11,188	66,912
8	62204F	AEROSPACE AVIONICS	74,835		74,835		74,835			74,835
9	62205F	PERSONNEL, TRAINING AND SIMULATION	28,942		28,942		28,942			28,942
10	62206F	CIVIL ENGINEERING & ENVIRONMENTAL QUAL	7,187		7,187		7,187			7,187
11	62302F	ROCKET PROPULSION AND ASTRONAUTICS TECH	40,031	4,147	44,178	10,000	50,031	-5,853	11,106	51,137
12	62601F	ADVANCED WEAPONS	32,961		32,961	17,000	49,961	-17,000		32,961
13	62602F	CONVENTIONAL MUNITIONS	46,653		46,653		46,653		-11,600	35,053
14	62702F	COMMAND CONTROL AND COMMUNICATIONS	95,957		95,957	-5,000	90,957	5,000	-5,000	90,957
		GENERAL REDUCTION, FY92 LEVEL								
15	62790F	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	140,976		140,976		140,976		-14,466	126,510
16	63106F	LOGISTICS SYSTEMS TECHNOLOGY	14,318		14,318		14,318			14,318
17	63112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	15,825		15,825		15,825			15,825
18	63202F	AEROSPACE PROPULSION SUBSYSTEMS INTEG	28,004		28,004		28,004			28,004
19	63203F	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	49,226		49,226		49,226			49,226
20	63205F	AEROSPACE VEHICLE TECHNOLOGY	13,114		13,114		13,114			13,114
21	63211F	AEROSPACE STRUCTURES	12,641		12,641		12,641			12,641
22	63216F	AEROSPACE PROPULSION AND POWER TECH	36,614		36,614		36,614			36,614
23	63227F	PERSONNEL, TRAINING AND SIMULATION TECH	8,818		8,818		8,818			8,818
24	63231F	CREW SYSTEMS AND PERSONNEL PROTECTION	10,460	2,500	12,960		10,460	2,500	2,500	12,960
25	63238F	GLOBAL SURV/AIR DEFENSE/PRECISION STRIKE	14,999		14,999		14,999			14,999
26	63245F	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	15,613		15,613		15,613			15,613
27	63250F	LINCOLN LABORATORY	22,908		22,908		22,908			22,908
28	63253F	ADVANCED AVIONICS INTEGRATION	30,384		30,384		30,384			30,384
29	63269F	NATIONAL AERO SPACE PLANE TECH PROG	43,259	36,741	80,000	-43,259		80,000	-3,259	40,000
30	63270F	EW TECHNOLOGY	25,689		25,689		25,689			25,689
31	63302F	SPACE AND MISSILE ROCKET PROPULSION	10,027	1,403	11,430		10,027	1,403		10,027
32	63311F	BALLISTIC MISSILE TECHNOLOGY	58,980		58,980		58,980		-28,080	30,900

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
33	63319F	AIRBORNE LASER TECHNOLOGY	3,845		3,845		3,845			3,845
34	63363F	ARMAMENT TECHNOLOGY INTEGRATION								
35	63401F	ADVANCED SPACECRAFT TECHNOLOGY	24,275		24,275		24,275			24,275
36	63410F	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS	3,500		3,500		3,500			3,500
37	63428F	SPACE SUBSYSTEMS TECHNOLOGY		8,000	8,000			8,000		
38	63601F	CONVENTIONAL WEAPONS TECHNOLOGY	25,964		25,964		25,964		-9,000	16,964
39	63605F	ADVANCED RADIATION TECHNOLOGY	55,415	20,900	76,315		55,415	20,900		55,415
40	63707F	WEATHER SYSTEMS TECHNOLOGY	4,452		4,452		4,452			4,452
41	63723F	CIVIL AND ENVIRONMENTAL ENGINEERING TECH	8,435		8,435		8,435			8,435
42	63726F	C3I SUBSYSTEM INTEGRATION	15,882	-7,000	8,882		15,882	-7,000	-7,000	8,882
43	63728F	ADVANCED COMPUTING TECHNOLOGY	19,619		19,619		19,619			19,619
44	63789F	C3 ADVANCED DEVELOPMENT	17,066	10,000	27,066		17,066	10,000	-10,000	7,066
45	63105F	OLYMPIC	[ ]		[ ]		[ ]			[ ]
46	63110F	SPECIAL EVALUATION PROGRAM	[ ]		[ ]		[ ]			[ ]
47	63111F	MERIDIAN	[ ]		[ ]		[ ]			[ ]
48	63425F	ADVANCED WARNING SYSTEM								
49	64226F	B-1B (H)	93,543	87,000	180,543	-50,000	43,543	137,000	-44,543	49,000
50	64240F	B-2 ADVANCED TECHNOLOGY BOMBER	790,497		790,497		790,497			790,497
51	64312F	ICBM MODERNIZATION								
52	64711F	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	3,643		3,643		3,643			3,643
53	11113F	B-52 SQUADRONS								
54	11120F	ADVANCED CRUISE MISSILE	25,393		25,393	-10,000	15,393	10,000		25,393
55	11142F	KC-135 SQUADRONS								
56	11213F	MINUTEMAN SQUADRONS	184,335		184,335		184,335		-47,200	137,135
57	11312F	PACCS AND WWABNCP SYSTEM EC-135 CLASS V								
58	11313F	STRAT WAR PLANNING SYSTEM - USSTRATCOM								
59	11815F	ADVANCED STRATEGIC PROGRAMS	[ ]		[ ]		[ ]			[ ]
60	12310F	NCMC - TW/AA SYSTEMS								
61	12325F	JOINT SURVEILLANCE SYSTEM	3,246		3,246		3,246			3,246
62	12411F	SURVEILLANCE RADAR STATIONS/SITES	8,306		8,306		8,306			8,306
63	12412F	DISTANT EARLY WARNING RADAR STATIONS	2,578		2,578		2,578			2,578
64	12423F	BALLISTIC MISSILE EARLY WARNING SYSTEM								
65	12424F	SPACETRACK								
66	12431F	DEFENSE SUPPORT PROGRAM								

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
67	12432F	SLBM RADAR WARNING SYSTEM								
68	12433F	NUDET DETECTION SYSTEM (H)								
69	33131F	MIN ESSENTIAL EMERGENCY COMM NETWORK	35,634		35,634		35,634		-25,634	10,000
70	33152F	WORLD-WIDE MILITARY COMMAND AND CONTROL								
71	33601F	MILSTAR (AF TERMINALS)	973,162		973,162		973,162		-50,000	923,162
		MILSTAR PRIOR YEAR SAVINGS				-79,200	-79,200	79,200		
72	33603F	MILSTAR SATELLITE COMMUNICATIONS SYSTEM								
73	33606F	UHF SATELLITE COMMUNICATIONS	11,457		11,457		11,457		-11,457	
74	35124F	SPECIAL APPLICATIONS PROGRAM	[ ]		[ ]		[ ]			[ ]
75	35145F	ARMS CONTROL IMPLEMENTATION	7,107		7,107		7,107			7,107
76	35172F	COMBINED ADVANCED APPLICATIONS	[ ]		[ ]		[ ]			[ ]
77	35181F	WESTERN SPACE LAUNCH FACILITY (WSLF)	9,546		9,546		9,546			9,546
78	35182F	EASTERN SPACE LAUNCH FACILITY (ESLF)	41,242		41,242		41,242			41,242
79	35892F	SPECIAL ANALYSIS ACTIVITIES	[ ]		[ ]		[ ]		[-8,300]	[ ]
80	35905F	IMPROVED SPACE BASED TW/AA	214,794	-214,794		-214,794			-214,794	
81	35906F	NCMC - TW/AA SYSTEM	141,841		141,841		141,841			141,841
82	35909F	BALLISTIC MISSILE EARLY WARNING SYSTEM	599		599		599			599
83	35910F	SPACETRACK	45,246		45,246		45,246			45,246
84	35911F	DEFENSE SUPPORT PROGRAM	66,777	-66,777		-66,777			-66,777	
85	35912F	SLBM RADAR WARNING SYSTEM								
86	35913F	NUDET DETECTION SYSTEM	9,359		9,359		9,359			9,359
87	41218F	KC-135S	20,811	-1,900	18,911		20,811	-1,900	-8,985	11,826
996		STRATEGIC CLASSIFIED	297,280		297,280		297,280		-8,300	288,980
88	63107F	TECHNICAL EVALUATION SYSTEM	[ ]		[ ]		[ ]			[ ]
89	63260F	INTELLIGENCE ADVANCED DEVELOPMENT	6,134		6,134		6,134			6,134
90	63307F	AIR BASE OPERABILITY ADVANCED DEVELOP	3,739		3,739		3,739			3,739
91	63617F	COMMAND, CONTROL, AND COMMUNICATION APPL	9,395		9,395		9,395			9,395
92	63714F	DOD PHYSICAL SECURITY EQUIP - EXTERIOR	2,971		2,971		2,971		-2,471	500
93	63742F	COMBAT IDENTIFICATION TECHNOLOGY	28,759		28,759		28,759			28,759
94	63801F	SPECIAL PROGRAMS	[ ]		[ ]		[ ]			[ ]
95	64201F	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	6,637		6,637		6,637			6,637
96	64212F	AIRCRAFT EQUIPMENT DEVELOPMENT	1,532		1,532		1,532			1,532
97	64218F	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	863		863		863			863
98	64222F	NUCLEAR WEAPONS SUPPORT	5,475		5,475		5,475			5,475

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
99	64231F	C-17 PROGRAM	179,799	-179,799			179,799	-179,799		179,799
99A		AIRLIFT DEVELOPMENT		179,799	179,799			179,799		
100	64233F	SPECIALIZED UNDERGRADUATE PILOT TRAINING	36,835		36,835	-36,835		36,835	-31,239	5,596
101	64237F	VARIABLE STABILITY IN-FLIGHT SIMULATOR	5,838		5,838		5,838			5,838
102	64239F	F-22 EMD	2,250,997		2,250,997		2,250,997			2,250,997
103	64242F	ADVANCED INTERDICTION AFT (AX)	3,835	-3,835			3,835	-3,835	-3,835	
104	64249F	NIGHT/PRECISION ATTACK	82,210	-82,210			82,210	-82,210	-82,210	
105	64268F	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	102,704		102,704		102,704			102,704
106	64270F	EW DEVELOPMENT	143,433		143,433		143,433		-24,767	118,666
107	64321F	JOINT TACTICAL FUSION PROGRAM	4,221		4,221		4,221			4,221
108	64327F	HARDENED TARGET MUNITIONS								
109	64601F	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	9,874		9,874	-2,000	7,874	2,000	-2,000	7,874
110	64602F	ARMAMENT/ORDNANCE DEVELOPMENT	11,407		11,407		11,407			11,407
111	64604F	SUBMUNITIONS	3,835		3,835		3,835			3,835
112	64607F	WIDE-AREA, ANTI-ARMOR MUNITIONS								
113	64617F	AIR BASE OPERABILITY	11,023		11,023		11,023			11,023
114	64618F	JOINT DIRECT ATTACK MUNITION	87,822		87,822		87,822		-12,400	75,422
115	64703F	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	10,260		10,260		10,260			10,260
116	64704F	COMMON SUPPORT EQUIPMENT DEVELOPMENT	4,793		4,793		4,793			4,793
117	64706F	LIFE SUPPORT SYSTEMS	11,024		11,024		11,024			11,024
118	64708F	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENG	4,524		4,524		4,524			4,524
119	64727F	JOINT STANDOFF WEAPONS SYSTEMS	24,614		24,614		24,614			24,614
120	64733F	SURFACE DEFENSE SUPPRESSION	1,917		1,917		1,917			1,917
121	64740F	COMPUTER RESOURCE TECHNOLOGY TRANSITION	7,137		7,137		7,137			7,137
122	64750F	INTELLIGENCE EQUIPMENT	2,875		2,875		2,875			2,875
123	64754F	JOINT TACTICAL INFORMATION DISTRIBUTION	16,113		16,113		16,113		-4,600	11,513
124	64756F	SIDE LOOKING AIRBORNE RADAR								
125	64770F	JOINT SURV/TARGET ATTACK RADAR SYS	295,228		295,228		295,228			295,228
126	64779F	JINTACCS	4,793		4,793		4,793			4,793
127	27129F	F-111 SQUADRONS	25,679		25,679		25,679			25,679
128	27130F	F-15A/B/C/D SQUADRONS								
129	27131F	A-10 SQUADRONS								
130	27133F	F-16 SQUADRONS	116,947	-4,400	112,547	-5,000	111,947	600	-55,423	61,524
131	27134F	F-15E SQUADRONS	91,497		91,497		91,497		-25,000	66,497

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
132	27136F	MANNED DESTRUCTIVE SUPPRESSION	20,496		20,496		20,496		-16,100	4,396
133	27137F	CONSTANT HELP	[ ]		[ ]		[ ]	[ ]		[ ]
134	27141F	F-117A SQUADRONS	6,778		6,778		6,778			6,778
135	27160F	TRI-SERVICE STANDOFF ATTACK MISSILE	[ ]	[60,000]	[ ]		[ ]	[60,000]		[ ]
136	27161F	TACTICAL AIM MISSILES	33,887		33,887		33,887		-33,887	
137	27163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	69,785		69,785		69,785		-2,000	67,785
138	27217F	FOLLOW-ON TACTICAL RECONNAISSANCE SYSTEM	65,338	-47,689	17,649	-65,338		17,649	-65,338	
		FOLLOW-ON TACTICAL RECON SYS PY SAVINGS				-39,700	-39,700	39,700		
139	27247F	AF TENCAP	14,722	-8,000	6,722		14,722	-8,000	-5,000	9,722
140	27248F	SPECIAL EVALUATION PROGRAM	120,711		120,711		120,711			120,711
141	27411F	OVERSEAS AIR WEAPON CONTROL SYSTEM	19,570		19,570		19,570		-5,300	14,270
142	27412F	TACTICAL AIR CONTROL SYSTEMS	28,913		28,913		28,913			28,913
143	27417F	AIRBORNE WARNING AND CONTROL SYSTEM	87,066		87,066		87,066			87,066
144	27419F	TACTICAL AIRBORNE COMMAND & CONTROL SYS								
145	27423F	ADVANCED COMMUNICATIONS SYSTEMS	478		478		478			478
146	27424F	EVALUATION AND ANALYSIS PROGRAM	75,384	-20,000	55,384		75,384	-20,000		75,384
147	27431F	TACTICAL AIR INTEL SYSTEM ACTIVITIES	[ ]		[ ]		[ ]			[ ]
148	27433F	ADVANCED PROGRAM TECHNOLOGY	148,114		148,114		148,114			148,114
149	27438F	THEATER BATTLE MANAGEMENT (TBM) C4I	12,518		12,518		12,518			12,518
150	27579F	ADVANCED SYSTEMS IMPROVEMENTS	129,164		129,164		129,164			129,164
151	27590F	SEEK EAGLE	15,171		15,171		15,171			15,171
152	27591F	ADVANCED PROGRAM EVALUATION	89,604	-10,000	79,604		89,604	-10,000		89,604
153	28006F	MISSION PLANNING SYSTEMS	24,249		24,249		24,249			24,249
154	28010F	JOINT TACTICAL COMM PROGRAM (TRI-TAC)								
155	28021F	ELECTRONIC COMBAT SUPPORT	[ ]		[ ]		[ ]			[ ]
156	28042F	HAVE FLAG	[ ]		[ ]		[ ]			[ ]
157	33605F	SATELLITE COMMUNICATIONS TERMINALS	1,399		1,399		1,399			1,399
158	35137F	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	18,773		18,773		18,773			18,773
159	35142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]		[ ]		[ ]		[-4,700]	[ ]
160	35158F	CONSTANT SOURCE	3,245		3,245		3,245			3,245
161	35887F	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	2,004		2,004		2,004			2,004
162	41840F	MAC COMMAND AND CONTROL SYSTEM	11,361		11,361		11,361			11,361
997		TACTICAL CLASSIFIED	295,395	60,000	355,395		295,395	60,000	-4,700	290,695
163	12830F	CLASSIFIED PROGRAM	[ ]		[ ]		[ ]			[ ]

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
164	31305F	INTELLIGENCE PRODUCTION ACTIVITIES	[ ]		[ ]		[ ]			[ ]
165	31310F	FOREIGN TECHNOLOGY DIVISION	[ ]		[ ]		[ ]			[ ]
166	31313F	DEFENSE DISSEMINATION PROGRAM	[ ]		[ ]		[ ]			[ ]
167	31314F	IR/E-O/DEW PROCESSING & EXPLOITATION	[ ]		[ ]		[ ]			[ ]
168	31315F	MISSILE & SPACE TECHNICAL COLLECTION	[ ]		[ ]	[-4,600]	[ ]	[4,600]	[-4,561]	[ ]
169	31317F	SENIOR YEAR OPERATIONS	[ ]	[-9,838]	[ ]		[ ]	[-9,838]	[-9,741]	[ ]
170	31324F	FOREST GREEN	[ ]		[ ]	[8,000]	[ ]	[-8,000]		[ ]
171	31339F	INTEL TELECOM & DEF SPECIAL SECURITY SYS	[ ]		[ ]		[ ]			[ ]
172	31357F	NUDET DETECTION SYSTEM								
173	33110F	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	25,522		25,522		25,522			25,522
174	33126F	LONG-HAUL COMMUNICATIONS (DCS)								
175	33140F	INFORMATION SYSTEMS SECURITY PROGRAM	15,418	1,500	16,918		15,418	1,500	1,150	16,568
176	33144F	ELECTROMAGNETIC COMPATIBILITY ANALYSIS	9,978		9,978		9,978			9,978
177	33401F	COMMUNICATIONS SECURITY (COMSEC)	[ ]		[ ]		[ ]			[ ]
178	34111F	SPECIAL ACTIVITIES	[ ]	[49,300]	[ ]	[-144,700]	[ ]	[194,000]	[-67,600]	[ ]
179	35114F	AIR TRAFFIC CONTROL, APPROACH, & LANDING	9,304		9,304		9,304		-9,304	
180	35159F	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]		[ ]		[ ]			[ ]
181	35164F	NAVSTAR GLOBAL POSITIONING SYS (USER EQ)	16,164		16,164		16,164			16,164
182	35165F	NAVSTAR GLOBAL POSITIONING SYS (SPACE)	38,990		38,990		38,990			38,990
998		INTEL & COMMUNICATIONS CLASSIFIED	2,175,965	39,462	2,215,427	-141,300	2,034,665	180,762	-81,902	2,094,063
183	63402F	SPACE TEST PROGRAM	50,465		50,465		50,465		-5,000	45,465
184	63438F	SATELLITE SYSTEMS SURVIVABILITY	10,732		10,732		10,732		-6,300	4,432
185	64211F	ADVANCED AERIAL TARGET DEVELOPMENT								
186	64227F	TRAINING SYSTEMS DEVELOPMENT	30,015		30,015	15,000	45,015	-15,000	-4,000	26,015
187	64243F	MANPOWER, PERSONNEL AND TRAINING DEVELOP	4,838		4,838		4,838			4,838
188	64256F	THREAT SIMULATOR DEVELOPMENT	34,362	12,600	46,962		34,362	12,600	7,502	41,864
189	64258F	TARGET SYSTEMS DEVELOPMENT	10,154		10,154		10,154			10,154
190	64408F	NATIONAL LAUNCH SYSTEM	53,906		53,906	-53,906		53,906	-53,906	
191	64609F	R&M MATURATION/TECHNOLOGY INSERTION	20,593		20,593		20,593			20,593
192	64707F	WEATHER SYSTEMS - ENG DEV	9,379		9,379		9,379			9,379
193	64735F	RANGE IMPROVEMENT	15,714		15,714		15,714			15,714
194	64747F	ELECTROMAGNETIC RADIATION TEST FACIL								
195	64755F	IMPROVED CAPABILITY FOR DEVELOPMENT TEST								
196	64759F	MAJOR T&E INVESTMENT	55,798		55,798	-10,000	45,798	10,000	-5,000	50,798

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
197	65101F	RAND PROJECT AIR FORCE	26,748		26,748		26,748			26,748
198	65306F	RANCH HAND II EPIDEMIOLOGY STUDY	3,707		3,707		3,707			3,707
199	65502F	SMALL BUSINESS INNOVATIVE RESEARCH (H)								
200	65708F	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	28,313		28,313		28,313			28,313
201	65712F	INITIAL OPERATIONAL TEST & EVALUATION	32,811		32,811	-5,000	27,811	5,000	-5,000	27,811
202	65807F	TEST AND EVALUATION SUPPORT	399,930		399,930	-25,000	374,930	25,000	-12,500	387,430
203	65808F	DEVELOPMENT PLANNING	9,796		9,796		9,796			9,796
204	65856F	ENVIRONMENTAL COMPLIANCE	39,575		39,575		39,575			39,575
205	65863F	RDT&E AIRCRAFT SUPPORT	42,157		42,157		42,157			42,157
206	65876F	MINOR CONSTRUCTION (RPM) - RDT&E	7,739		7,739	-5,000	2,739	5,000		7,739
207	65878F	MAINTENANCE AND REPAIR (RPM) - RDT&E	46,020		46,020	-5,000	41,020	5,000	-5,000	41,020
208	65894F	REAL PROPERTY MAINTENANCE - RDT&E (H)								
209	65896F	BASE OPERATIONS - RDT&E	121,974		121,974	-25,000	96,974	25,000	-10,000	111,974
210	27601F	USAF WARGAMING AND SIMULATION	11,573		11,573		11,573		-5,573	6,000
211	35110F	SATELLITE CONTROL NETWORK	110,164		110,164	-58,000	52,164	58,000		110,164
212	35119F	MEDIUM LAUNCH VEHICLES	58,502	37,000	95,502		58,502	37,000		58,502
213	35130F	AFSCN OPERATIONS								
214	35138F	UPPER STAGE SPACE VEHICLES	4,141		4,141		4,141			4,141
215	35144F	TITAN SPACE LAUNCH VEHICLES	330,740	15,000	345,740	-24,100	306,640	39,100		330,740
216	35160F	DEFENSE METEOROLOGICAL SATELLITE PROGRAM	31,953	-5,000	26,953		31,953	-5,000		31,953
217	71112F	INVENTORY CONTROL POINT OPERATIONS								
218	72207F	DEPOT MAINTENANCE (NON-IF)	1,830		1,830		1,830			1,830
219	78011F	MANUFACTURING SCIENCE & TECHNOLOGY				60,000	60,000	-60,000		
219A		INDUSTRIAL PREPAREDNESS/MANTECH		110,000	110,000			110,000		
220	78012F	LOGISTICS SUPPORT ACTIVITIES	6,336		6,336		6,336			6,336
221	78026F	PRODUCTIVITY, RELIABILITY, AVAILABILITY,	18,068		18,068		18,068			18,068
222	78054F	POLLUTION PREVENTION	25,518		25,518		25,518			25,518
223	84734F	CRYPTOLOGIC/SIGINT-RELATED SKILL TRAIN	1,926		1,926		1,926			1,926
224	91218F	CIVILIAN COMPENSATION PROGRAM	5,775		5,775		5,775			5,775
225	91600F	CONTRACT ADMINISTRATION/AUDIT	243,178	-243,178		-243,178			-243,178	
226	101004F	INTERNATIONAL ACTIVITIES	3,820		3,820		3,820			3,820
		SPACE LAUNCH MODERNIZATION				30,000	30,000	-30,000		
		AFSCN MODERNIZATION				78,000	78,000	-78,000		
		WEAPONS SYSTEM LETHALITY								

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		WEAPONS SYSTEM OPERABILITY								
		WEAPON SAFETY AND OPERATIONAL SUPPORT								
		STRATEGIC ARMS CONTROL TECHNOLOGY								
		OVERHEAD								
		TOTAL RDT&E AIR FORCE	13,694,984	-248,349	13,446,635	-1,013,387	12,681,597	765,038	-1,405,773	12,289,211

* * * * *

Excimer laser program

The budget request contained $55.415 million for advanced radiation technology (PE 63605F).

The House bill would add: (1) $20.0 million for excimer lasers to continue the fiscal year 1993 program to examine dual-use applications of excimer lasers, and (2) $900,000 for high power microwave technology for a total of $11.6 million.

The Senate amendment contained no similar funding.

The House recedes.

The conferees agree to provide the requested amount and direct that $11.6 million be used for high power microwave technology RDT&E.

Laser communications

The budget request included $1.638 million for the laser communications (LASERCOM) advanced technology development project within the $17.066 million requested for command, control and communications advanced technology development (PE 63789F).

The House bill would authorize a total of $10.3 million for LASERCOM for an advanced technology demonstration of a lightweight, low powered, very high data rate laser communications capability.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees reluctantly agree to authorize only $17.066 million for PE 63789F; however, the conferees direct that up to $1.638 million, the requested amount, be used to complete functional testing and documentation of the laser intersatellite transmission experiment engineering model (LITE EM). The conferees note that approximately $29.0 million has been invested in this project since 1989. Completion of this program would provide an on-the-shelf technology base that would significantly reduce the risk in developing future operational systems for high data rate laser intersatellite communications.

Tactical airborne reconnaissance

The budget request contained funding for various elements of the follow-on tactical reconnaissance system (FOTRS). FOTRS includes two components: an airborne component called the advanced tactical air reconnaissance system (ATARS); and a ground station component called the joint service image processing system (JSIPS).

The Navy requested $30.4 million and the Air Force requested $65.3 million for FOTRS development. The Air Force and the Navy also requested additional JSIPS funding of $8.2 million in their other procurement accounts and $3.1 million in their operation and maintenance accounts.

The House bill would transfer all FOTRS funding to a Defense-wide airborne reconnaissance program. The House report (H. Rept. 103-200) supported an Air Force and contractor decision to cancel work on the ATARS program. The House report also specifically denied funds for the Air Force F-16R program.

The Senate amendment would deny all ATARS funding for fiscal year 1994. The Senate report (S. Rept. 103-112) noted that $53.9 million in fiscal year 1992 ATARS procurement funds remain unobligated. The Senate report directed the Marine Corps to use these funds to field an ATARS alternative on the F/A-18D reconnaissance-capable (RC) aircraft using government-owned hardware available from the ATARS program. The conferees understand that the Department has reprogrammed the fiscal year 1992 funding identified in the Senate report.

The conferees are disappointed that the Air Force is left with little more than boxes of unassembled components to show for the ATARS program efforts. The Navy/Marine Corps team, which has faithfully funded and executed its portion of FOTRS development, has made more progress. The Marine Corps has already successfully flown an ATARS sensor package of the F/A-18D(RC) in a series of flights from the Naval Air Warfare Center, Patuxent River, Maryland.

Elsewhere in this statement of the managers, the conferees have required the Secretary of Defense to organize a new management structure for a tactical reconnaissance office (TRO). The conferees expect that the result of a Navy near-term ATARS program will become a part of this effort.

Accordingly, the conferees agree to provide $78.1 million in a new Defense Agencies development line under TRO direction. This will support: (1) fielding a near-term ATARS capability, as described below ($34.0 million); (2) developing an electro-optical long-range oblique photographic sensor (EO-LOROPS) ($17.1 million); and (3) continuing the second phase of the F/A-18D radar upgrade (RUG) program ($27.0 million).

The conferees agree that the Navy, under TRO direction, should complete integration, development, and fielding of an ATARS sensor suite. The conferees expect the Navy to base and field this sensor suite on existing, government-owned ATARS hardware by fiscal year 1995. For this purpose, the conferees direct the Secretary of Defense to transfer remaining ATARS hardware and equipment from the Department of the Air Force to the Department of the Navy. The conferees direct that none of the funds made available to the Navy be used to increase the capability of the baseline sensor suite.

The conferees further direct the Secretary of Defense to present a road map for implementation of these sensor suites in the F/A-18D(RC) to the congressional defense and intelligence committees with the submission of the fiscal year 1995 budget request. The conferees expect that this plan will reflect a streamlined acquisition strategy, leading to a near-term fielding of ATARS. Along with this road map, the conferees direct the Secretary of Defense to fully delineate the extent to which EO-LOROPS will be used to support any long-range, next-generation tactical reconnaissance efforts. Accordingly, the conferees further direct that none of the funds provided for EO-LOROPS development in fiscal year 1994 may be obligated until the road map for sensor implementation, containing a fielding plan and a future years defense program commitment for EO-LOROPS, is submitted.

The conferees agree to provide no funding for F-16R integration under the Air Force FOTRS program. However, the conferees fully support the continued development of JSIPS by providing $19.1 million in a tactical reconnaissance ground station line in the research and development, Defense Agencies account. This amount is derived by shifting $16.0 million from Air Force FOTRS and $3.1 million from Navy JSIPS development accounts. Additionally, the conferees direct that $8.2 million from JSIPS efforts in Air Force and Navy other procurement accounts be moved to a Defense Agencies procurement account for tactical reconnaissance ground stations. For operational reasons, the conferees believe that the O&M accounts should remain with the respective services.

Finally, the conferees direct the Secretary of Defense to continue to redefine a joint program for fielding a long-term ATARS follow-on.

Air Force tactical exploitation of national capabilities

The budget request included $14.7 million for the Air Force tactical exploitation of national capabilities (TENCAP) program. The funds would accelerate development of prototype TENCAP systems in order to enhance national sensor-to-shooter operational techniques, and provide TENCAP technical support for exercises and contingencies.

The House bill recommended an $8.0 million reduction to the request because the program lacked specific goals and objectives.

The Senate amendment approved the requested amount.

The conferees were encouraged by the Air Force's willingness to commit to a credible TENCAP program. The conferees, however, are concerned about the Air Force's failure to detail a program based upon clear goals and objectives during the budget review process. Therefore, the conferees recommend a $9.7 million authorization, a $5.0 million reduction to the budget request. The conferees are willing to consider a reprogramming action if the Air Force believes it can justify additional funding in fiscal year 1994.

Satellite control network

The Air Force spends approximately $650 million each year on research, development, test and evaluation (RDT&E), procurement, and operation and maintenance (O&M) of the satellite control network (SCN).

The Senate report (S. Rept. 103-112) concluded that budget pressures will make it difficult to sustain this level of expenditure. Technology exists that could significantly reduce O&M costs and improve effectiveness, and development programs could be accelerated by reducing O&M budgets modestly. The Senate amendment therefore recommended reducing the O&M request for the SCN by $20.0 million and transferring this amount to RDT&E. Additionally, the Senate amendment recommended a separate line item for these development efforts.

The House bill and report (H. Rept. 103-200) took no similar action.

The Senate recedes in the expectation that RDT&E funding for new development would not be made available.

The conferees urge the Air Force to define better a program of development to achieve cost savings in the satellite control network as soon as possible and to carefully examine whether the SCN O&M budget can support offsetting funding. The conferees further urge the Air Force to ensure that the SCN program office utilize the technical expertise of the Phillips and Rome laboratories in this area.

Test and evaluation

The House report (H. Rept. 103-200) provided obligation and expenditure thresholds for the Air Force test and evaluation request and required notification to the congressional defense committees before the Air Force sought to obligate funds other than those indicated in the fiscal year 1994 budget request.

The Senate report (S. Rept. 103-112) contained no similar direction.

The conferees endorse the House report's direction with the stipulation that the budget baseline and resulting thresholds which require notification to the congressional defense committees be adjusted on a prorated basis, as necessary, to reflect actual fiscal year 1994 authorized and appropriated amounts, whichever is higher, for the program elements.

Astronomy-oriented science center

The conferees understand that competition for the astronomy-oriented science center

funded in the National Defense Authorization Act for Fiscal Year 1993 has been hampered by restrictive interpretations of previously established congressional conditions. Therefore, the conferees agree to clarify that the awarding of the grant shall be contingent upon the availability of matching, nonfederal funds which may include essentially equivalent contributions of funds, in-kind services, equipment, and land (including long-term leases of real estate).

RESEARCH AND DEVELOPMENT, DEFENSE-WIDE

Overview

The budget request for fiscal year 1994 contained an authorization of $10,174.5 million for Defense-wide research, development, test and evaluation. The House bill would authorize $10,029.4 million. The Senate amendment would authorize $9,510.7 million. The conferees recommend authorization of $8,787.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		RESEARCH & DEVELOPMENT DEFENSE-WIDE								
1	61101D	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	3,368		3,368		3,368			3,368
2	61101E	DEFENSE RESEARCH SCIENCES	79,657		79,657		79,657			79,657
3	61101W	IN-HOUSE LABORATORY INDEPENDENT RESEARCH								
4	61102D	DEFENSE RESEARCH SCIENCES	2,021		2,021	20,000	22,021	-20,000		2,021
5	61103D	UNIVERSITY RESEARCH INITIATIVES	242,611	32,000	274,611	-42,611	200,000	74,611		242,611
		UNIVERSITY SUPPORT INITIATIVE				42,611	42,611	-42,611	20,000	20,000
6	61109D	US-JAPAN MANAGEMENT TRAINING				10,000	10,000	-10,000		
7	61110D	FOCUSED RESEARCH INITIATIVES	29,472		29,472		29,472		-9,472	20,000
8	62109H	SUPERCONDUCTIVE MAGNETIC ENERGY STORAGE								
9	62222D	COUNTERTERROR TECHNICAL SUPPORT	6,169		6,169		6,169			6,169
10	62227D	MEDICAL FREE ELECTRON LASER	19,248		19,248		19,248			19,248
11	62228D	HIST BLACK COLLEGES AND UNIVERSITIES		15,000	15,000	15,000	15,000		15,000	15,000
12	62301E	COMPUTING SYSTEMS/COMMUNICATIONS TECH	368,589	2,000	370,589	7,500	376,089	-5,500	-42,271	326,318
13	62702E	TACTICAL TECHNOLOGY	143,891	18,750	162,641		143,891	18,750		143,891
14	62707E	PARTICLE BEAM TECHNOLOGY								
15	62708E	INTEGRATED COMMAND AND CONTROL TECH	57,214	67,800	125,014	50,000	107,214	17,800	42,786	100,000
16	62712E	MATERIALS AND ELECTRONICS TECHNOLOGY	198,502	77,700	276,202	36,500	235,002	41,200	61,498	260,000
17	62714E	TREATY VERIFICATION								
18	62715H	DEFENSE NUCLEAR AGENCY	288,388	-28,500	259,888		288,388	-28,500	-50,000	238,388
19	62756D	DOD SOFTWARE TECHNOLOGY INITIATIVE	43,304		43,304		43,304		-43,304	
20	62787D	MEDICAL TECHNOLOGY	6,737		6,737		6,737			6,737
21	62790C	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	42,552	-42,552		-15,707	26,845	-26,845	-42,552	
22	62790D	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	24,703		24,703		24,703		-6,074	18,629
23	62790E	SBIR/SMALL BUS TECH TRANSFER PILOT PROG								
24	62790H	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	3,851		3,851		3,851		-697	3,154
25	35108K	COMMAND AND CONTROL RESEARCH	1,847		1,847		1,847			1,847
26	91600H	CONTRACT ADMINISTRATION/AUDIT	6,834	-6,834		-6,834			-6,834	
		GENERAL REDUCTION, 92 LEVEL								
27	116279BB	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	2,281		2,281		2,281			2,281
29	63002D	MEDICAL ADVANCED TECHNOLOGY	4,701		4,701		4,701			4,701
30	63214C	SPACE BASED INTERCEPTORS								
31	63215C	LIMITED DEFENSE SYSTEM								
32	63216C	THEATER MISSILE DEFENSES								

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
33	63217C	OTHER FOLLOW-ON SYSTEMS	354,187	-354,187		-112,579	241,608	-241,608	-354,187	
34	63218C	RESEARCH AND SUPPORT ACTIVITIES								
35	63225D	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEV	16,446		16,446		16,446			16,446
36	63226E	EXPERIMENTAL EVAL MAJOR INNOVATIVE TECH	512,198	100,884	613,082	-36,500	475,698	137,384	16,990	529,188
36A		SPACE LAUNCH TECHNOLOGY		79,880	79,880			79,880	35,000	35,000
36B		NATIONAL GUARD/ARPA PROJECT				17,900	17,900	-17,900		
36C		PROJECT COMPASS				14,700	14,700	-14,700		
36D		FUEL CELL TECHNOLOGY				4,000	4,000	-4,000		
36E		ASTOVL				6,000	6,000	-6,000		
		ADVANCED THEATER AIRCRAFT MANAGEMENT							10,000	10,000
37	63227E	RELOCATABLE TARGET DETECTION TECHNOLOGY								
38	63569E	ADVANCED SUBMARINE TECHNOLOGY	32,556	-32,556			32,556	-32,556		32,556
38A		MARITIME TECHNOLOGY OFFICE		132,556	132,556			132,556	50,000	50,000
39	63570E	DUAL-USE PARTNERSHIPS	324,000	300,000	624,000	291,000	615,000	9,000	300,000	624,000
40	63704D	SPECIAL TECHNICAL SUPPORT	8,841		8,841		8,841			8,841
41	63705D	MANUFACTURING SCIENCE & TECHNOLOGY	147,733	-147,733		23,300	171,033	-171,033	-35,233	112,500
42	63716D	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	97,958	22,000	119,958	102,042	200,000	-80,042	52,042	150,000
43	63718D	MEDICAL RESEARCH				10,500	10,500	-10,500	10,500	10,500
44	63719D	FOCUS HOPE		20,000	20,000	15,000	15,000	5,000	20,000	20,000
45	63720D	ENVIRONMENTAL SPECIAL PROJECT								
46	63721D	DOD ENVIRONMENTAL STUDIES DEVELOPMENT								
47	63736D	COMPUTER AIDED LOGISTICS SUPPORT	10,424		10,424		10,424			10,424
48	63737D	BALANCED TECHNOLOGY INITIATIVE								
49	63738D	COOPERATIVE DOD/VA MEDICAL RESEARCH		30,000	30,000			30,000	20,000	20,000
50	63739E	MANUFACTURING TECHNOLOGY	299,597	95,000	394,597	7,000	306,597	88,000	42,743	342,340
51	63744E	ADVANCED SIMULATION	9,207		9,207		9,207			9,207
52	63745E	SEMICONDUCTOR MANUFACTUR. TECH/SEMATECH	100,000		100,000	-10,000	90,000	10,000	-10,000	90,000
53	63755D	HIGH PERFORMANCE COMPUTING MODERNIZATION	122,819		122,819	-122,819		122,819	-122,819	
54	63756D	CONSOLIDATED DOD SOFTWARE INITIATIVE	9,151	7,500	16,651		9,151	7,500	7,500	16,651
55	63756E	CONSOLIDATED DOD SOFTWARE INITIATIVE								
56	63832D	JOINT WARGAMING SIMULATION MANGNT OFFICE	67,152		67,152	19,000	86,152	-19,000	6,000	73,152
57	64704D	ROCKET MOTOR DEMILITARIZATION PROGRAM	12,267	3,000	15,267		12,267	3,000	3,000	15,267
58	35108K	COMMAND AND CONTROL RESEARCH								
59	116401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOP	17,794	-13,794	4,000		17,794	-13,794	-10,494	7,300

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
60	116402BB	SPECIAL OPERATIONS ADVANCED TECH DEV	9,655		9,655		9,655			9,655
61	116407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,310		1,310		1,310			1,310
		DOD/CTC JOINT CALS INITIATIVE								
62	63214C	SPACE BASED INTERCEPTORS								
63	63215C	LIMITED DEFENSE SYSTEM	1,195,459	-1,195,459		-336,408	859,051	-859,051	-545,459	650,000
65	63218C	RESEARCH AND SUPPORT ACTIVITIES	358,223	-358,223		-89,769	268,454	-268,454	179,777	538,000
66	63711H	VERIFICATION TECHNOLOGY DEMONSTRATION	46,350		46,350		46,350		-2,000	44,350
67	63734J	ISLAND SUN SUPPORT	15,822		15,822		15,822			15,822
68	63741D	AIR DEFENSE INITIATIVE								
69	32016K	NATIONAL MILITARY COMMAND SYS-WIDE SUPP	3,500		3,500		3,500			3,500
70	32019K	WWMCCS SYSTEMS ENGINEER	9,253		9,253		9,253			9,253
71	33131K	MIN ESSENTIAL EMERG COMMUN NETWORK	3,285		3,285		3,285			3,285
72	33154J	WWMCCS ADP MODERNIZATION	7,000		7,000		7,000			7,000
73	33154K	WWMCCS ADP MODERNIZATION								
74	91600J	CONTRACT ADMINISTRATION/AUDIT	436	-436		-436			-436	
74A		BALLISTIC MISSILE DEFENSE ORGANIZATION		2,591,038	2,591,038			2,591,038		
75	63216C	THEATER MISSILE DEFENSES	1,636,304	-1,636,304		-398,137	1,238,167	-1,238,167	-185,312	1,450,992
75a		UNDISTRIBUTED REDUCTION BMDO								
76	63228D	PHYSICAL SECURITY EQUIPMENT	20,676		20,676		20,676			20,676
77	63709D	JOINT ROBOTICS PROGRAM	22,125		22,125		22,125			22,125
78	63710D	CLASSIFIED PROGRAM - C3I	9,912		9,912		9,912			9,912
79	63714D	ADVANCED SENSOR APPLICATIONS PROGRAM	25,920		25,920		25,920			25,920
80	63715D	AIM-9 CONSOLIDATED PROGRAM	9,593		9,593		9,593			9,593
81	63724D	BIOLOGICAL DEFENSE - ADVANCED DEVELOP	26,355		26,355	-26,355		26,355	-14,355	12,000
82	64225C	THEATER MISSILE DEFENSES	50,410	-24,000	26,410		50,410	-24,000	-50,410	
83	64705D	MOBILE OFFSHORE BASE ANALYSIS								
84	64771D	JOINT TACTICAL INFO DISTRIB SYS (JTIDS)	67,053		67,053		67,053		-30,000	37,053
85	21135J	CINC C2 INITIATIVES	1,193		1,193		1,193			1,193
86	21135K	CINC C2 INITIATIVES								
87	28045K	C3 INTEROPERABILITY (JOINT TACTICAL C3)	28,088		28,088		28,088			28,088
88	28298K	MANAGEMENT HQ (JOINT TACTICAL C3 AGENCY)								
89	35141D	JOINT REMOTELY PILOTED VEHICLES PROGRAM	180,112	-180,112		-26,000	154,112	-154,112	-66,700	113,412
89A		LONG-RANGE UAV				[40,000]	[40,000]	[40,000]	[40,000]	[40,000]
		INTERIM RECONNAISSANCE PROGRAM							78,100	78,100

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
90	35815D	GENERAL SUPPORT FOR SO/LIC								
91	91600BB	CONTRACT ADMINISTRATION/AUDIT	4,656	-4,656		-4,656			-4,656	
92	91600K	CONTRACT ADMINISTRATION/AUDIT	1,283	-1,283		-1,283			-1,283	
93	116404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEV	221,305	-9,615	211,690	15,000	236,305	-24,615	-14,800	206,505
94	116405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS	6,686		6,686		6,686			6,686
95	116408BB	SOF OPERATIONAL ENHANCEMENTS	72,167	-52,678	19,489		72,167	-52,678	-52,678	19,489
96	31011G	CRYPTOLOGIC ACTIVITIES	[ ]	[-40,877]	[ ]	[45,300]	[ ]	[-86,177]	[-44,200]	[ ]
97	31301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[-5,194]	[ ]	[1,963]	[ ]	[-7,157]	[-5,000]	[ ]
98	31308L	MISSILE INTELLIGENCE AGENCY	[ ]		[ ]		[ ]			[ ]
99	33126K	LONG-HAUL COMMUNICATIONS (DCS)	20,720		20,720		20,720			20,720
100	33127K	SUPPORT OF THE NATIONAL COMMUNIC SYS	3,839		3,839		3,839			3,839
101	33123G	GLOBAL GRID COMMUNICATIONS	[ ]		[ ]		[ ]			[ ]
102	33140G	INFO SYSTEMS SECURITY PROGRAM	[ ]		[ ]		[ ]			[ ]
103	33401G	COMMUNICATIONS SECURITY	[ ]		[ ]		[ ]			[ ]
104	34311D	SELECTED ACTIVITIES								
105	35098L	DEFENSE SUPPORT ACTIVITY	[ ]		[ ]		[ ]			[ ]
106	35106LC	CONSOLIDATED IMAGERY ACTIVITIES	[ ]	[-4,300]	[ ]		[ ]	[-4,300]		[ ]
107	35107LC	TACTICAL IMAGERY ACTIVITIES	[ ]		[ ]		[ ]			[ ]
108	35139B	DMA MAPPING, CHARTING, & GEODESY (MC&G)	66,334	-5,000	61,334		66,334	-5,000	-5,000	61,334
109	35154I	AIRBORNE RECONNAISSANCE SUPPORT PROGRAM	356,303	-20,000	336,303	-207,000	149,303	187,000	-177,000	179,303
109A		AIRBORNE RECONNAISSANCE INITIATIVE		288,518	288,518			288,518		
		TACTICAL RECON GROUND STATIONS							19,100	19,100
110	35157I	LAND REMOTE SENSING SATELLITE SYSTEM	34,506		34,506		34,506			34,506
111	35159B	DEFENSE RECONNAISSANCE SUPPORT ACTIV	11,320		11,320		11,320			11,320
112	35159G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]		[ ]		[ ]			[ ]
113	35159I	DEFENSE RECONNAISSANCE SUPPORT ACTIV	81,872	-15,000	66,872		81,872	-15,000		81,872
113A		SPACE BASED SURVEILLANCE CONSOLIDATION		324,163	324,163			324,163		
114	35167G	COMPUTER SECURITY	[ ]		[ ]		[ ]			[ ]
115	35190D	C3I INTELLIGENCE PROGRAMS	6,754		6,754		6,754			6,754
116	35830K	CENTER FOR INFORMATION MANAGEMENT								
117	35884L	INTELLIGENCE PLANNING & REVIEW ACTIV	[ ]	[-5,000]	[ ]	[-10,000]	[ ]	[5,000]	[-12,500]	[ ]
118	35885G	TACTICAL CRYPTOLOGIC ACTIVITIES	[ ]	[-5,000]	[ ]		[ ]	[-5,000]	[-5,000]	[ ]
119	35889D	INTEL SUPPORT TO OSD COUNTERNARCOTICS								
120	35889G	INTEL SUPPORT TO OSD COUNTERNARCOTICS	[ ]		[ ]		[ ]			[ ]

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
121	35889L	INTEL SUPPORT TO OSD COUNTERNARCOTICS	[ ]		[ ]		[ ]			[ ]
122	35898L	MANAGEMENT HQ (AUXILIARY FORCES)	[ ]		[ ]		[ ]			[ ]
123	91600B	CONTRACT ADMINISTRATION/AUDIT	1,357	-1,357		-1,357			-1,357	
124	91600G	CONTRACT ADMINISTRATION/AUDIT	23,451	-23,451		-23,451			-23,451	
125	91600I	CONTRACT ADMINISTRATION/AUDIT	4,825	-4,825		-4,825			-4,825	
126	91600L	CONTRACT ADMINISTRATION/AUDIT	269	-269		-269			-269	
127	116409BB	OTHER FORCE PROGRAMS								
		CLASSIFIED PROGRAMS				10,000	10,000	-10,000		
		ARCH PROJECT				7,200	7,200	-7,200		
999		INTEL & COMMUNICATIONS CLASSIFIED	1,280,732	-60,371	1,220,361	37,263	1,317,995	-97,634	-66,700	1,214,032
128	63705D	MANUFACTURING TECHNOLOGY								
129	63708D	INTEGRATED DIAGNOSTICS	10,441		10,441		10,441			10,441
130	63790D	NATO RESEARCH AND DEVELOPMENT	57,641		57,641		57,641		-14,841	42,800
131	63832D	JOINT SIMULATION DOCTRINE CENTER				6,500	6,500	-6,500	6,500	6,500
		PEACE ENFORCEMENT DOCTRINE DEVELOPMENT				5,000	5,000	-5,000	5,000	5,000
132	65104D	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	37,434		37,434	-10,000	27,434	10,000	-10,000	27,434
133	65114E	BLACK LIGHT	4,875		4,875		4,875			4,875
134	65116D	GENERAL SUPPORT TO C3I								
135	65117D	FOREIGN MATERIAL ACQUISITION/EXPLOIT	336,176	-110,000	226,176	-336,176		226,176	-336,176	
136	65120S	TECHNICAL INFORMATION SERVICE								
137	65136D	FCIMS PROGRAMS								
138	65137D	MANUFACTURING ENGINEERING EDUCATION								
139	65502D	SMALL BUSINESS INNOVATIVE RESEARCH								
140	65502E	SMALL BUSINESS INNOVATIVE RESEARCH								
141	65798S	DEFENSE SUPPORT ACTIVITIES	12,561	3,000	15,561		12,561	3,000		12,561
142	65872D	PRODUCTIVITY INVESTMENTS								
143	65898E	MANAGEMENT HEADQUARTERS (R&D)	24,005		24,005	-5,000	19,005	5,000		24,005
144	35889E	INTEL SUPPORT TO OSD COUNTERNARCOTICS								
145	78011S	INDUSTRIAL PREPAREDNESS/MANTECH		35,000	35,000			35,000		
146	91600D	CONTRACT ADMINISTRATION/AUDIT	18,625	-18,625		-18,625			-18,625	
147	91600E	CONTRACT ADMINISTRATION/AUDIT	27,873	-27,873		-27,873			-27,873	
148	91600S	CONTRACT ADMINISTRATION/AUDIT	235	-235		-235			-235	
148A		REDUCTION IN RDT&E SUPPORT/OVERHEAD		-15,000	-15,000			-15,000		
		COUNTERPROLIFERATION INITIATIVE				28,049	28,049	-28,049		

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		UNDISTRIBUTED				400,000	400,000	-400,000		
		ELECTRIC VEHICLE TECHNOLOGY								
		NATURAL GAS VEHICLES								
		YANKEE METHANOL PLANTSHIP								
		COMMERICAL COMMUNICATIONS								
		ARPA SPACE PROGRAMS								
		SPACE SURVEILLANCE								
		EARTH CONSERVANCY								
		TOTAL RDT&E DEFENSE-WIDE	10,174,549	-145,139	10,029,410	-663,840	9,510,709	518,701	-1,386,842	8,787,707

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		DIRECTOR OF TEST & EVAL DEFENSE								
1	64940D	CENTRAL TEST AND EVALUATION INVESTMENT	115,819	-15,000	100,819	-15,000	100,819		-15,000	100,819
2	65130D	FOREIGN COMPARATIVE TESTING	34,913	-10,000	24,913		34,913	-10,000		34,913
3	65131D	LIVE FIRE TESTING	7,725		7,725		7,725			7,725
4	65804D	DEVELOPMENT TEST AND EVALUATION	114,135	-15,000	99,135	-5,000	109,135	-10,000	-15,000	99,135
		TOTAL DIRECTOR TEST & EVALUATION	272,592	-40,000	232,592	-20,000	252,592	-20,000	-30,000	242,592
		SUBTOTAL RESEARCH & TECH	156,773	-25,000	131,773	-5,000	151,773	-20,000	-15,000	141,773
		SUBTOTAL MILITARY ACQUISITION	115,819	-15,000	100,819	-15,000	100,819		-15,000	100,819
		DIRECTOR OF OPERATIONAL TEST & EVALUATION								
1	65118D	OPERATIONAL TEST AND EVALUATION	12,650		12,650		12,650			12,650
		TOTAL OPERATIONAL TEST	12,650		12,650		12,650			12,650

Department of Defense Dependent Schools Director's Fund for Science, Mathematics, and Engineering

The budget request contained no funds for the DODDS Director's Fund for Science, Mathematics, and Engineering.

The House bill contained no funds for the DODDS Director's Fund.

The Senate amendment contained $20.0 million for the DODDS Director's Fund in PE 61102D.

The conferees agree that $20.0 million should be authorized for the DODDS Director's Fund from the funds contained in PE 61103D. The conferees note that this program, which advances science, mathematics, and engineering, is the primary source of funds for the DODDS Director to improve the educational opportunities for the thousands of American children serving overseas with their parents. The conferees direct the Director, Defense Research and Engineering to work closely with the DODDS Director to ensure that these funds are made promptly available to DODDS.

The conferees further direct that DODDS should work closely with the Department of Education to ensure that innovative DODDS initiatives are made available to the education community at the earliest possible date.

Computer-assisted education

The budget request contained no funds for computer-assisted education.

The House bill contained no funds for this program.

The Senate amendment contained $20.0 million for this program.

The conferees recommend $20.0 million in PE 611103D for computer-assisted education. The conferees also direct that $2.0 million of the funds in PE 62601F be used to fund the Air Force outreach program to install computer-assisted mathematics programs in high schools.

The conferees note that the President's February 22, 1993 report entitled "Technology for America's Economic Growth: A New Direction to Build Economic Strength" provides a vision for the use of technology to support the educational challenges of the future. The conferees believe that the computer-assisted education initiative should draw from the experiences and successes of Department of Defense research and development programs. Past developments in the DOD Defense Modeling and Simulation Office have demonstrated that innovative education and training technologies can provide: (1) learning tailored to individual needs; (2) hands on experiences that challenge users to reach for new educational opportunities; and (3) training that is adaptable, cost-effective, and available to everyone, regardless of their location. The Department of Defense, working with the Office of Science and Technology Policy's technology for education and training initiative, should pursue the transfer and tailoring of this research and development to meet the learning needs of all Americans.

The conferees recommend that the computer-assisted education initiative serve as an example of the use of federal and non-federal research and development funds that stimulate education and training technologies. All contracts and grants awarded as a result of this program should be awarded competitively and should include cost sharing with nonfederal sources where possible.

Funding for Technical Support Working Group

The Technical Support Working Group (TSWG) is an interagency organization that coordinates counter-terrorist research and developments efforts among the Departments of Defense and State and other federal agencies. The TSWG is funded by the two departments and has supported the development of innovative security technologies to counter terrorism.

For fiscal year 1993, $10.0 million in Department of Defense funds were authorized and appropriated for the TSWG—$3 million of this amount was designated for cooperative counter-terrorist research projects with NATO and major non-NATO allies. Unfortunately, the budget request for fiscal year 1994 did not sustain this level of funding. It contained only $6.2 million in DOD funds for the TSWG.

The conferees agree that the budget request for the TSWG is insufficient to both continue current projects and start new ones in fiscal year 1994. Because this problem was not raised in a timely manner, the conferees were unable to recommend additional funds for this important activity. However, the conferees encourage the Department of Defense to reprogram additional funds into the TSWG from lower-priority activities.

Global nuclear non-proliferation seismic monitoring

The budget request included $25.895 million for development and testing technologies related to global nuclear nonproliferation seismic monitoring.

The House bill would authorize $48.975 million in the following program elements.

Program element	Requested amount	House authorization
602301E	$21,486,000	$35,486,000
601102F	4,409,000	11,409,000
602101F	80,000	2,080,000

The Senate amendment would authorize the requested amounts.

The House recedes.

The conferees support the Department of Defense goal to develop a coordinated plan to provide the advanced seismic and other technologies needed to negotiate and verify a Comprehensive Test Ban Treaty (CTBT). The conferees believe that it is important that Congress be kept informed of DOD and intelligence community (IC) plans to achieve a monitoring capability for a verifiable CTBT. The Secretary of Defense shall submit a report, not later than 120 days after the date of the enactment of this act, describing the Department's plans to develop advanced technologies for the monitoring of a CTBT and the degree to which other U.S. government departments, other nations, and international organizations could share the costs of this effort. The report shall:

(1) address the major technical issues that are obstacles to effective U.S. monitoring of a CTBT;

(2) describe the overall DOD CTBT verification readiness plan for resolving these technical issues, coordinating the efforts within DOD and other departments and agencies, and establishing a timetable to transfer the developed technologies to operational monitoring agencies;

(3) describe the roles of DOD organizations, the military services, other U.S. government agencies and international organizations, as applicable, in carrying out the plan, including their program funding and cost sharing; and

(4) be submitted in an unclassified form and, as necessary, in classified form to the congressional defense committees.

ARPA tactical technology

The House bill included $162.6 million for tactical technology (PE 62702E), $18.75 million above the requested level for four different projects.

The Senate amendment would authorize the requested amount.

The conferees agree that, of the amount requested, $1.75 million can be utilized to complete development and conduct an evaluation and test of the advanced landing system. Further, if the Secretary of Defense determines that a post-launch destruct demonstration is warranted, funding for this demonstration can be provided from this program element.

Radar absorbing materials

The budget request included $7.38 million to develop cost-effective enabling technologies for aircraft and missiles.

The House bill would add $5.5 million to PE 62702E, tactical technology, for micro-balloon, spray-on, and other related radar-absorbing materials technologies to increase system survivability and reduce costs compared to current radar absorbing materials.

The Senate amendment contained no funding for this program.

The conferees agree to authorize the funding contained in the House bill. They further agree to provide $5.5 million for radar absorbing materials, as described in the House report (H. Rept. 103-200), from within the funds authorized in PE 62702E, tactical technology.

ARPA materials and electronics technology

The House bill included $276.2 million for materials and electronics technology (PE 62712E), $77.7 million above the requested amount.

The Senate amendment included $235.0 million for this purpose.

The conferees agree to a $260.0 million authorization for this program element. The conference agreement includes $22.0 million for continuous fiber metal matrix composite manufacturing; $15.0 million for electronic packaging materials, cryoassemblies, and dielectrics; $12.0 million for system optimization investigations; $2.1 million for infrastructure development; $5.0 million for photovoltaic research; and $5.0 million for ceramics, intermetallics and high performance metal alloys called for in the House report (H. Rept. 103-200).

The conferees direct that competitive procedures be utilized for any new projects undertaken under this program element and that cost-sharing be required for dual-use projects that have strong commercial potential.

Fuel cell research

The budget request contained no funds for fuel cell development even though the Department of Defense has several on-going fuel cell research programs.

The House bill contained $50.0 million for fuel cell research and recommended that a single office within the Advanced Research Projects Agency (ARPA) manage fuel cell development for the Department of Defense.

The Senate amendment contained: (1) $14.5 million to fund the second year of a competitively awarded, four-year program to develop a two megawatt scale natural gas-fed fuel cell; and (2) $4.0 million to continue development of a solid polymer fuel cell for unmanned undersea vehicle technology.

The conferees recommend that $20.0 million be authorized for fuel cell development. The conferees agree that fuel cell management should be centralized within ARPA and that the $20.0 million should be allocated to programs in accordance with the Senate Report (S. Rept. 103-112) and the House Report (H. Rept. 103-200).

Advanced theater air management

The Department of Defense recently completed the Bottom-Up Review (BUR) of future defense needs which included an evaluation of theater air modernization programs. The conferees are aware that, as a result of the BUR, the Department has decided to terminate the AFX (the Navy follow-on for the A-6), and the multi-role fighter (MRF, the Air Force follow-on for the F-16). Additionally, the BUR recommended continued development of the F-22 for the Air Force and the F/A-18E&F for the Navy; retirement of the Navy's A-6, and in lieu, marginal air-to-ground upgrades for the F-14; and, termination of U.S. procurement of the F-16 for the Air Force. Finally, the BUR recommended development of a joint service plan which would propose an advanced theater air management effort to be called the joint advanced strike technology (JAST) program.

The Department has described the scope of the JAST program to include:

(1) development of a catalogue of common components, such as engines, avionics, and ground test and training equipment that will be required for future aircraft;

(2) development of precision guided munitions and advanced mission planning techniques;

(3) demonstration of advanced aircraft concepts; and,

(4) examination of both manned and unmanned system concepts.

The conferees believe, however, that a viable advanced theater air management program must directly resolve the problem of how to define a theater air capability that will meet military requirements at an affordable cost.

The Department floated a "trial balloon" earlier this year that represented an attempt to combine the two very different operational requirement for the AFX and MRF. This concept, the joint attack fighter (JAF), quickly generated opposition. No one could explain a plausible concept of how a single aircraft could satisfy the disparate capabilities provided by a light-weight single engine fighter with a long range, deep strike interdiction aircraft.

Therefore, the conferees do not support an advanced theater air management concept, such as JAST, which appears to use technology rollover as a means of "treading water" over several more years, and then leads only to a JAF of a different color. By the same token, the conferees would also resist any effort which becomes a "science fair" project that has no hope of yielding any fully integrated aircraft for more than 20 years. In short, the conferees cannot support such efforts. Vague, unchanneled, and ill-defined research planning is essentially "eating our own seed corn."

The conferees are also concerned about the "technology catalogue" approach for other reasons. Historically, tactical aircraft have always been highly optimized designs balancing capability against cost and physical constraints. Therefore, the conferees are concerned over how the Department will know 20 years in advance whether generic components can be incorporated in combat aircraft designs which have historically demanded optimized subsystems. A strong advanced theater air management program should carefully balance any compromises among performance, generic commonality, and cost.

For example, the conferees understand that the Department intends to make engine technology development a central thrust of its proposed JAST program. This fact gives rise to several questions which demonstrate the concern of the conferees:

(1) How do we judge the quality of a design for a new engine in the absence of at least some idea about what kind of an application we intend for it?

(2) As engines are designed around specific goals of thrust, dynamic performance, and aircraft range, how will we know today what operating conditions we seek in 20 years if we do not know what kind of aircraft we want to build?

(3) If we know now what kind of aircraft we want to build in 20 years, why not set our course now on a specific engine design that will match and support that purpose?

(4) Conversely, if we do not know what kind of an aircraft we will need in 20 years, how can a set of generic engines solve a problem we cannot define now?

(5) Even if we can specify the aircraft which we will need 5-10 years from now, how can we be certain that the airframe will be suited to the output of the generic engine development program we will start before then?

The conferees continue to believe that there are at least two sets of distinct missions that will require different airframe and technology combinations:

(1) a single engine, single seat, "low-end" multi-role aircraft (such as represented by the MRF; the advanced short takeoff vertical landing (ASTOVL) development; and, a conventional takeoff and landing (CTOL) variant of ASTOVL); and,

(2) a multi-engine, dual seat, "high-end" strike aircraft (which satisfies the operational requirements of an AFX, and is highly compatible with F-22 technology).

The conferees therefore expect joint aircraft development to lead to flying prototypes of the classes of aircraft identified as required by the Department. Such a program should provide a clear path by which technology could be developed and matured in an affordable way to meet operational requirements.

The conferees believe that more groundwork is necessary. The Department needs to establish an appropriate management infrastructure to ensure that the concept and goals of an advanced theater air management effort are well-founded.

Accordingly, the conferees provide no funding for the JAST program in fiscal year 1994 but instead provide $10.0 million to organize an advanced theater air management office. In addition, the conferees agree to authorize $36.0 million for the Secretary of Defense to continue ASTOVL development. The ASTOVL funding is comprised of $11.0 million of Navy-requested ASTOVL development which complements $19.0 million in the ARPA request. The conferees agree to provide an additional $6.0 million to ARPA for ASTOVL to evaluate the direct lift concept along with the two lift fan efforts being considered. The conferees note, however, that ASTOVL technology, or other advanced concepts, must be embraced by more than one military service for the Congress to support program funding in future years. The budget environment will not permit the luxury of a one-for-one replacement of aircraft for any single military service or mission area.

In conclusion, the conferees direct the Secretary of Defense to work closely with the congressional defense committees and oversee incorporation of the solutions to the concerns raised by this statement of the managers.

Experimental evaluation of major innovative technologies

The budget request included $512.2 million for PE 632226E.

The House bill would authorize $613.1 million for the experimental evaluation of major innovative technologies at the Advanced Research Projects Agency (ARPA) (PE 63226E), $100.9 million above the requested amount.

The Senate amendment would authorize $518.3 million.

The conferees agree to authorize $529.188 million. The conference agreement would authorize $20.0 million for fuel cell technology, $30.0 million for electric vehicle technology, $14.7 million for Project Compass, $54.0 million for advanced simulation technology, $25.7 million for the advanced short takeoff and vertical landing program, $5.0 million for gamma-gamma resonance imaging, $2.0 million for fire protection technology, and $1.0 million for nuclear waste monitoring. The conferees would not authorize funds for airship technology or SELENE. The conferees direct that competitive procedures be utilized for any new projects undertaken under this program element, and that cost-sharing be required for dual-use projects with strong commercial potential.

Electric and hybrid powered vehicles

The budget request contained no funding for electric vehicle research.

The House bill contained $50.0 million for electric vehicles in PE 603226E.

The Senate amendment contained no funding for the program.

The conferees note that the executive branch has joined forces with the automotive industry in the so-called "clean car initiative", also known as the "next generation vehicle". The goal of this effort is to have a coordinated cooperative research and development effort that will achieve the automotive technology of the future. The initiative has short, medium, and long-term research objectives and includes participation by Department of Defense R&D facilities and personnel. Moreover, this initiative emphasizes a number of promising future technologies, including hybrid powered vehicles, advanced batteries, and fuel cells.

The conferees also note that the Department of Energy is applying approximately $25.0 million in fiscal year 1994 funding to electric vehicle research.

The conferees support the Administration's efforts and commend the clean car initiative as an appropriate way to coordinate federal and private efforts to develop future automotive technology, including dual-use technologies and processes that will be advantageous to the military and transferable to civilian industry.

The conferees recommend a $30.0 million authorization for continued electric and hybrid vehicle research and demonstration. The program should be coordinated with the clean car initiative and focus on advanced battery technology, hybrid powered vehicles, and fuel cells for military application. The Advanced Research Project Agency should implement the program in a partnership with the Army's Tank Automotive Command. The conferees also direct that all funds for this program shall be awarded competitively, and that this dual-use research be conducted on a cost-shared basis wherever possible.

Operational airship demonstration

The House bill recommended $20.0 million for an operational airship demonstration. The demonstration would prove the feasibility of using an airship to support over-the-

horizon (OTH) engagement of low flying cruise missiles by surface- or land-based surface-to-air weapons systems.

The Senate amendment contained no similar recommendation.

The House recedes.

The conferees recommend that the Navy assess the potential contribution that airships could make to the airborne component of the ship self-defense/cooperative engagement capability. The Navy should assess the role of such airborne platforms as part of its overall system architecture. The conferees direct the Secretary of the Navy to provide this assessment to the congressional defense committees in the 1994 annual report on the ship self-defense/cooperative engagement capability program.

Strategic environmental research and development program

The budget request contained $97.0 million for the strategic environmental research and development program (SERDP).

The House bill included $120.0 million for SERDP and directed the SERDP Council to consider funding a series of specific projects.

The Senate amendment included $200.0 million for the program.

The conferees recommend $150.0 million for the program. The conferees note that the SERDP Council considers all projects submitted to it on a merit basis. The Council should consider the projects mentioned in the House report (H. Rept. 103-200), if submitted, as it would any other proposal.

Focus Hope

The budget request contained $5.0 million for Focus Hope in PE 603226E.

The House bill would create a separate funding line for Focus Hope and provide $20.0 million in funds.

The Senate amendment would create a separate funding line and add $15.0 million to bring the total funding for Focus Hope to $20.0 million.

The Senate recedes.

Biological integrated detection systems (BIDS)

The budget request included $60.0 million to develop systems to detect, identify, warn, and verify a biological attack. Out of the amount requested, $26.3 million would be for research and development of technologies to perform area and point detection. Of the remaining funds, $33.0 million would be used for procuring non-developmental strategic stand-off detection systems and 38 commercially mature, non-developmental biological integrated detection systems. This procurement would integrate existing biological measuring instrumentation into M789 shelters mounted on M1097 heavy high mobility multi-purpose wheeled vehicles.

The House bill would authorize the requested amount.

The Senate amendment would not provide funds for this program.

The conferees agree to provide $12.0 million for research and development of the program and $15.0 million for procurement of the non-developmental biological integrated detection systems. The conferees direct the Department of Defense to keep the congressional defense committees informed on the program's progress. The conferees direct the Secretary of Defense to ensure that an operational test and evaluation is conducted prior to the procurement of additional systems beyond the fiscal year 1994 request.

ARPA manufacturing technology

The budget request contained $299.6 million for the Advanced Research Projects Agency (ARPA) manufacturing technology program element (PE 63739E).

The House bill would authorize $394.6 million, an addition of $95.0 million above the requested amount for x-ray lithography research.

The Senate amendment included $306.6 million.

The conferees agree to authorize $342.3 million for ARPA manufacturing technology. The additional funds are for advanced lithography and environmentally conscious electronics systems manufacturing. The conferees direct that those funds be expended in partnership with industry in areas where there is a strong likelihood that the technology to be developed will be put into practice in American industry and will benefit American industry in global commercial competition.

The conferees direct that competitive procedures be utilized for any new projects undertaken under this program element and that cost-sharing be considered and required where practical for dual-use projects with strong commercial potential.

SEMATECH

The budget request contained $100.0 million in PE 63745E for the semiconductor manufacturing technology consortium (SEMATECH).

The House bill would authorize $100.0 million for the Advanced Research Project Agency's (ARPA) contribution to SEMATECH. The House report (H. Rept. 103-200) mandated that at least 10 percent of that sum be used to explore the use of more environmentally safe materials in semiconductor manufacturing processes. The House report also required the Secretary of Defense to report on SEMATECH's environmental activities with particular emphasis on ozone-depleting substances by March 30, 1994.

The Senate amendment would authorize $90.0 million for SEMATECH.

The conference agreement includes $90.0 million for SEMATECH. The conferees agree that at least $9.0 million should be used for environmentally conscious manufacturing research. Because the semiconductor industry generates only one percent of all ozone-depleting substances released by U.S. industry, the conferees agree that the House-required report should discuss the principal environmental challenges the semiconductor industry faces and SEMATECH's plans for addressing those challenges in partnership with other industry and federal activities. The conferees recognize the importance of input from citizen groups but do not authorize use of SEMATECH funds to pay for citizen group involvement in preparing this report.

Software reuse technology adoption program

The budget request included $9.151 million for the DOD consolidated software initiative.

The House bill would authorize an additional $7.5 million in PE 063756D, the DOD consolidated software initiative, for the software reuse technology adoption program.

The Senate amendment would authorize an additional $7.5 million in PE 060321E computing systems/communications technology, for the software reuse technology adoption program.

The conferees agree to continue support for the Advanced Research Projects Agency (ARPA) reuse technology adoption program and provide $7.5 million in PE 063756D. The conferees encourage cost-sharing in this program.

Rocket motor demilitarization

The budget request included $12.267 million in PE 64704D to continue the investigation of disposal methods for the growing surplus of high-energy explosives.

The House bill would authorize $15.267 million for this program and would include funding for the demilitarization and reclamation of materials by using cryofracture technology at the Army Longhorn Ammunition Facility and at the Nevada Test Site.

The Senate amendment contained no similar funding.

The Senate recedes. The conferees also support a demonstration project at the Sunflower Army Ammunition Plant involving dry machine removal of solid propellant from rocket motors for commercial reuse.

Unmanned aerial vehicle program

The budget request contained $69.3 million for procurement of remotely piloted vehicles and $180.1 million for research and development within the unmanned aerial vehicle (UAV) joint program office (JPO).

The House bill would authorize the procurement request. However, the House bill would deny all research and development funding for the JPO. The House report (H. Rept. 103-200) endorsed the Department of Defense's plan to upgrade the short-range UAV with the common automated recovery system (CARS).

The Senate amendment would add $20.0 million to the procurement request. Out of that total, $15.0 million would be provided to buy additional spares and replacement part inventories to improve Pioneer UAV readiness. The remaining $5.0 million would be provided to procure the common automatic recovery system (CARS) as government-furnished equipment to facilitate government integration into the short-range UAV program.

The Senate amendment also would reduce JPO research and development funding by $26.0 million. This reduction would account for delays within the medium-range UAV program. The Senate amendment would permit the JPO to use up to $40.0 million to support the Department's so-called "Tier II" effort to field tactical endurance UAV.

The conferees agree to provide the $20.0 million in additional UAV procurement funds to be obligated as recommended in the Senate report (S. Rept. 103-112).

The conferees have repeatedly expressed concern about the lack of progress the UAV JPO is making. The conferees have also expressed disappointment with the proliferation of unique vehicle programs which have been designed to fill disparate categories of requirements. Both the Senate and the House of Representatives have previously directed the JPO to focus on the expedited fielding of a smaller number of UAV systems, while emphasizing inter-operability and commonality.

The conferees believe that further efforts to develop and field the close-range UAV and the medium-range UAV would be redundant and unaffordable. The conferees reach this conclusion based on several factors: (1) severe fiscal constraints throughout the Department; (2) the emergence of the Tier II tactical endurance UAV program; (3) advances within the development of a short-range UAV system; and (4) recent Air Force and Navy policy decisions which indicate withdrawal of support for the medium-range UAV program.

Therefore, the conferees agree to provide $113.4 million for research and development, a $66.7 million reduction from the request. In so doing, the conferees also agree to deny the $28.8 million requested for close-range UAV development and limit the medium-range UAV funding to $14.0 million. The conferees expect the Department to use this $14.0 million to terminate the program.

Further, the conferees direct the Department to use funds provided in this program to begin the Tier II tactical endurance UAV program and to conduct an independent cost estimate of the total Tier II program. The conferees expect the Department will establish an advanced concept technology demonstration (ACTD) to fill the requirement for the long-endurance mission. The conferees direct the Department to move on an expedited basis to sign contracts for the Tier II ACTD within 40 days of enactment of this act. The conferees agree that this program shall be limited to a scope of not more than 10 air vehicles and three ground stations.

The conferees direct the Department to ensure that the ground station support for both the tactical endurance UAV and the short-range UAV programs have a common architecture.

Finally, the conferees believe that the Department needs a totally new management structure for tactical reconnaissance. As discussed elsewhere in this statement of managers, the conferees believe that programs for unmanned reconnaissance, manned reconnaissance, sensor development, ground station support, and for the fielding of these systems should be incorporated within the Office of the Under Secretary of Defense for Acquisition and Technology.

Special operations tactical systems development

The budget request contained $221.305 million for special operations tactical systems development.

The House bill would reduce the requested amount by $9.615 million to delete the funds requested for sustainment engineering support.

The Senate amendment would increase the requested amount by $15.0 million for development of the CV-22 aircraft.

The conferees recommend an authorization of $206.505 million for special operations tactical systems development. The conferees' recommendation would: (1) restore the funds deleted by the House bill for sustainment engineering support; (2) delete the funds added by the Senate amendment for CV-22 development; (3) add $200,000 to modify the M4 carbine for special operations forces; and (4) delete $15.0 million of the amount requested for further development of the JASORS radio. The conferees understand that the Navy has made prior year funds available for continued development of the CV-22 aircraft.

Airborne reconnaissance support program

The budget request included $356.3 million for the airborne reconnaissance support program (ARSP).

The House bill would reduce the request by $20.0 million to enforce fiscal discipline in the ARSP sensor development programs.

The Senate amendment would reduce the request by $207.0 million in order to terminate the advanced airborne reconnaissance system (AARS). This amount includes unobligated prior-year funds.

The conferees agree to authorize $179.3 million for ARSP. The conferees direct that the AARS program be terminated and that available prior-year funds be used to offset other ARSP requirements in fiscal year 1994. The conferees agree to authorize $30.0 million to begin development of an unmanned aerial vehicle that satisfies tactical broad-area imagery collection requirements as defined in the deep target surveillance/reconnaissance alternatives study. The conferees would also consider a reprogramming request for additional funds for this effort.

In addition, the conferees endorse the Department of Defense decision to include the ARSP in a consolidated tactical airborne reconnaissance office.

The conferees understand that the Under Secretary of Defense for Acquisition and technology is considering terminating an advanced multi-spectral imaging sensor that is being developed for airborne reconnaissance applications.

This program is technically ambitious and would be expensive, but the rewards would also be substantial. Aside from impressive range and coverage improvements, which the Department of Defense and the intelligence community have identified as a key requirement, this system would provide excellent resolution, stereo viewing, and precise geolocation. It would also offer the prospect of major new capabilities through multi-spectral sensing and processing.

The conferees believe it would be premature to terminate this program for several reasons. First, this program appears to be the only DOD development program in multi-spectral imaging and processing designed expressly for military applications. This technology remains largely unexploited, but there are reasons to believe that it could provide remarkable new capabilities. Before the Department terminates this effort, it will need to demonstrate that it has a coherent plan to exploit the potential for multi-spectral sensing.

Second, this program may be terminated because it does not appear to fit with the Department's plans for future collection platforms and their concept of operations. However, it is clear that the Department has yet to define a program for such platforms. The conferees see no point in terminating an ongoing program for a proven collection system in order to use the funds for another effort that has not been defined.

Third, terminating this program would raise fundamental questions about the future of the collection platform on which it would fly. The conferees' experience with the SR-71 serves as a reminder of the pitfalls of failing to keep existing systems up-to-date and capable in the hope of acquiring other capabilities.

Therefore, the conferees direct that no adverse action be taken with respect to the advanced electro-optical imaging program in fiscal year 1994. In addition, the conferees direct the Under Secretary of Defense for Acquisition and Technology, in coordination with the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, to submit a report to the congressional defense committees on these issues by April 1, 1994. The report should include a description and explanation of the Administration's outyear plans and recommendations.

Strategic environmental research and development program (sec. 203)

The Senate amendment contained a provision (sec. 235) that would extend for two years the authority of the executive director of the strategic environmental research and development program (SERDP) to establish pay rates. The provision also would change the SERDP council to reflect a change in the title of two of the SERDP council members.

The House bill contained a provision (sec. 235) that would add the National Oceanic and Atmospheric Administration as a member of the SERDP council.

The House recedes. There is concern about the management structure of the SERDP program as it matures. Section 1801 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), the legislation that created the SERDP, required the appointment of an executive director. In the statement of managers accompanying the conference report (H. Rept. 101-923), the conferees expressed their desire that the executive director position be established in the Senior Executive Service (SES) as soon as possible. Instead of creating a new SES position for the executive director, the previous Department of Defense leadership gave the SERDP executive director's responsibilities to individuals already serving in SES positions. The executive director's responsibilities were merely added to their normal responsibilities. Although both the individuals who have served as executive director have worked very hard to further the program, it is clear that SERDP requires a full-time executive director devoted exclusively to the program. The conferees urge the Secretary of Defense to create the executive director position in the Senior Executive Service and, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to appoint someone to that position as soon as possible.

The conferees also urge the SERDP council to prescribe guidelines that will clarify how universities and the private sector, particularly small and medium-sized businesses, can participate in the program through the submission of research proposals. The proposals must meet the identified needs of the Department of Defense or the joint needs of the Departments of Defense and Energy, and be approved through the normal peer review process. Nevertheless, the conferees are aware of many new, innovative suggestions for environmental restoration activities that could benefit DOD and DOE as they clean up contaminated sites.

The funding the conferees recommend for fiscal year 1994, $150.0 million in research and development, will enable the Department of Defense to continue the programs it began in SERDP phases I and II and to initiate new proposals in all three SERDP research areas in fiscal year 1994. The conferees believe that the Department should focus attention on all three SERDP areas in its SERDP budget request for fiscal year 1995.

Kinetic energy antisatellite program (sec. 211)

The Senate amendment contained a provision (sec. 211) that would make $10.0 million available in fiscal year 1994 for engineering development of the most critical antisatellite technologies. Funds could not be made available for obligation for this program until the Secretary of Defense submits the report to Congress required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 and certifies that there is a requirement for the program.

The House bill contained no similar provision.

The House recedes.

Space launch modernization (sec. 213)

The budget request included $53.9 million for the national launch system (NLS) program, $43.3 million for the national aerospace plane (NASP), $58.5 million for medium launch vehicles (MLV) RDT&E, $330.7 million for Titan space launch vehicles RDT&E, and $4.88 million for single-stage rocket technology (SSRT).

The House bill would authorize the requested amount for NLS; add $36.7 million for NASP, $37.0 million for MLV improvements, $15.0 million for a Centaur upper stage processing facility for Titan, and, in a legislative provision (sec 217), $75.0 million for SSRT.

The Senate amendment would deny the request for NLS and NASP, reduce the request for Titan by $24.1 million due to the availability of prior-year funds for upper stage vehicle research, and approve the request for

MLV and SSRT. In addition, the Senate amendment would authorize $30.0 million for RDT&E on new launch vehicle technology. The Senate amendment included a provision (sec. 214) that would require the Secretary of Defense to develop a space launch roadmap which focuses available resources on a single development or acquisition effort.

The House recedes on MLV and Titan funding and the provision on SSRT. The House recedes with an amendment on the space launch roadmap provision.

The Senate recedes on prior-year upper stage vehicle funding.

The conferees agree that the national aerospace plane should be phased out in an orderly fashion in fiscal year 1994. The conferees conclude that the Department of Defense cannot afford to pursue an X-plane development program at this time. The conferees do believe that the Department, preferably in cooperation with the National Aeronautics and Space Administration, should retain a vigorous level-of-effort technology program in hypersonic vehicles. Accordingly, the conferees agree to authorize $40.0 million for hypersonic vehicle research. The conferees direct the Secretary of the Air Force to report to the congressional defense committees no later than April 1, 1994, on the allocation of these funds, the funding profile for the balance of the Future Years Defense Program, the goals and objectives of the program, and the relationship between the DOD and NASA programs.

The conferees understand that the President's Science Advisor intends to review national space launch policy and programs again. This review may supersede the recommendations contained in the Department of Defense Bottom Up Review which concluded that the Department could not afford any new launch acquisition programs, despite an acknowledgement of serious deficiencies in space launch capabilities and competitiveness.

To preserve options for the Administration during this planned review, the conferees agree to modify the Senate provision to authorize $35.0 million for space launch modernization for fiscal year 1994, despite the conclusions of the DOD Bottom-Up Review. This amount includes the $4.88 million requested for launch technology within the Ballistic Missile Defense Organization. These funds shall be used to keep the various technology and system options open. The funds shall also be used to complete phase one of the single stage rocket technology program and to continue the space transportation main engine effort.

If the Administration decides to pursue any new technology or acquisition programs, they shall be competitively awarded. The conferees also stress the importance of ensuring that small- and medium-sized companies are able to compete in any new programs.

The conferees agree with the Senate position that the Administration must stop trying to keep multiple space launch programs alive despite ever-dwindling resources. The conferees agree that the Administration must focus scarce resources to achieve any success at all.

The conferees recognize the merits in all the major competing technologies, including airbreathing propulsion, single-stage rocket technology, and rugged expendable concepts. The conferees also recognize that there may be opportunities to improve existing systems in terms of cost, reliability, and responsiveness. At the same time, based on unfortunate experience, the conferees are extremely wary of excessive optimism on costs, schedule, and performance.

The conferees are concerned that the U.S. commercial launch industry is rapidly losing ground to foreign competitors, which in turn is driving up the cost of U.S. government launches. The conferees are also concerned that the existing systems enjoy a near monopoly position for launches of government payloads in their respective weight and volume classes. In addition to offering few incentives for cost control, this situation has resulted in a large excess industrial capacity as the number of actual and planned governments satellite launches has declined. In addition, overall, NASA and the Department of Defense have demonstrated a remarkable inability to work together. Across the government, a debilitating culture favors complexity, fragility, and accommodation to unique payload demands. To date, neither the government nor industry has attempted to approach space launch as they do cargo transport by truck, rail, ships, or aircraft. In these areas, standardization, rugged design, performance margins, low cost, and responsiveness are of overriding importance.

These problems are well-known; most, in fact, were addressed by the recent DOD review. The Department concluded, however, that these problems were not pressing enough to warrant a major initiative in the current budget environment.

The conferees fear that this course will lead to an obsolete and ineffective U.S. launch industry over the long term, while national security concerns could preclude significant reliance on foreign systems—despite heavy dependence on foreign sources in other critical defense industries. The conferees expect the Administration to come to grips with these issues and be prepared to present a coherent set of policies and programs to Congress early next year.

It is widely asserted that foreign launch vehicle programs enjoy distinct advantages over U.S. launch systems in terms of cost and responsiveness. The provision would require the Department of Defense to study this issue, in parallel with a National Aeronautics and Space Administration study.

Medical countermeasures against biowarfare threats (sec. 214)

The Senate amendment contained a provision (sec. 215) that would authorize no more than $108.3 million for fiscal year 1994 for the medical component of the biological defense research program (BDRP). The provision would also extend through fiscal year 1994 the limitations on the BDRP medical component contained in section 251 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House bill contained no similar provision.

The House recedes with an amendment that would add a new section on medical countermeasures against biowarfare threats to title 10, United States Code. The statutory requirement would allocate funds appropriated in any fiscal year for the BDRP medical component for the product development, research, development, test, or evaluation of medical countermeasures, to not more than 80 percent for near-term validated biowarfare threat agents and to not more than 20 percent for mid-term or far-term validated biowarfare threat agents.

Federally funded research and development centers (sec. 215)

The budget request contained $1,410 million for federally funded research and development centers (FFRDC). The budget request, however, did not comply with section 2367 of title 10, United States Code, regarding the identification of funding for FFRDCs.

The House bill contained a provision (sec. 213) that would result in a 10 percent or $144.5 million reduction from the fiscal year 1993 funding level for FFRDCs.

The Senate amendment contained a provision (sec. 217) that would result in a six percent reduction in the amount requested for FFRDCs for fiscal year 1994; provide funding and personnel ceilings for each FFRDC; establish a pay freeze for FFRDC employees; and provide waiver authority for breaching the proposed ceiling and payfreeze. The Senate amendment would reduce the amount requested for research, development, test and evaluation by $200.0 million to reflect the lower ceilings and payfreeze.

The conferees recommend a six percent reduction in the requested amount for FFRDC funding. This would establish a $1,352.6 million ceiling for FFRDC funding, the level recommended by the Senate amendment.

The Senate recedes from its provision that would require fixed personnel ceilings. The conferees agree that the Department of Defense should establish individual FFRDC ceilings and report to Congress not later than 30 days after the enactment of this act. The conferees recommend that the Department, in establishing these ceilings, should not reduce each FFRDC by a common percentage. Rather, each ceiling should be calculated based on the Department's needs. The conferees direct that smaller FFRDCs and FFRDCs involved in studies and analyses be reduced by proportionally smaller amounts than the larger FFRDCs. The conferees also agree to drop the Senate provision that would freeze FFRDC employee wages. The conferees, however, agree to a $200.0 million general reduction in funding. The difference between this reduction and the total ceiling reduction will allow the Department of Defense a considerable management reserve in establishing individual ceilings. The conferees also recommend waivers to the ceilings established in this act.

Ballistic missile post-launch destruct mechanism (sec. 216)

The House bill contained a provision (sec. 211) that would direct the Secretary of Defense to conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to waive the requirement to conduct a demonstration program if he certifies that a demonstration program is not in U.S. national security interests.

High performance computing (sec. 217)

The House bill contained a provision (sec. 215) that would mandate a National Research Council review of the high performance computing and communications (HPCC) program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees direct that an interim report be concluded by July 1, 1994 and a final report by February 1, 1995. To meet those deadlines, the Secretary of Defense should proceed within 30 days of enactment of this act to start the NRC study. The House recedes from its recommendation that 50 percent of the funds in the HPCC program element (PE 62301E) not be obligated until the Secretary of Defense submits the report. The conferees

agree that $15.0 million dollars of the funds authorized in PE 62301E can be used for applied software engineering.

The conferees authorize $326.3 million in this program element, $42.3 million less than the requested amount. The conferees agree that this reduction is made without prejudice and only as a result of the need to meet the Budget Resolution's outlay target.

Superconducting magnetic energy storage (sec. 218)

The House bill contained a provision (sec. 216) that would establish a program office within the Department of the Navy to research superconducting magnetic energy storage (SMES) technology. The provision also would transfer funds from the Defense Nuclear Agency for this purpose and establish an advisory council.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the establishment of an advisory council.

Advanced self protection jammer (ASPJ) program (sec. 219)

The House bill contained a provision (sec. 220) that would permit the Secretary of Defense to obligate fiscal year 1993 and prior research and development and procurement funds for the advanced self protection jammer (ASPJ). These funds would be for material procurement, logistics support, and the integration of existing ASPJ systems into the F-14D aircraft for testing and evaluation.

The Senate amendment contained no similar provision.

The Senate recedes.

Electronic combat systems testing (sec. 220)

The House bill contained a provision (sec. 221) that would proscribe certain testing for electronic combat systems.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on flight tests of certain missiles (sec. 221)

The House bill contained a provision (sec. 222) that would impose limitations on missile launches for test purposes.

The Senate amendment contained no comparable provision.

The Senate recedes with an amendment that would limit, for one year from the date of enactment of this act, any test launches that would release debris within 50 miles of Canyonlands National Park, Utah.

Joint advanced rocket system (sec. 222)

The budget request included $10.9 million for the advanced rocket system (ARS).

The House bill and the Senate amendment would approve the requested amount.

The House report (H. Rept. 103-200) noted that in the statement of managers (H. Rept. 102-966) accompanying the conference report on the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), the conferees directed the Department of Defense to provide the congressional defense committees with a joint cost and operational effectiveness analysis, a joint hypervelocity rocket technology evaluation, and a joint program consolidation plan for the ARS program. The House report also indicated that the Department did not provide the required documents. The House report would restrict the Department from obligating the fiscal year 1994 funds until 30 days after the Department had provided the requested reports.

The conferees agree to a provision that would restrict obligation of: (1) Navy funds for the ARS program; and (2) Army funds for the missile and rocket advanced technology program. The Department would not be permitted to obligate more than 75 percent of the authorized amount until 30 days after the Department of Defense submits the specified reports to the congressional defense committees.

Standoff air-to-surface munitions technology demonstration (sec. 223)

The budget request contained $80.5 million for the Navy and $24.6 million for the Air Force to support those services' respective portion of joint standoff air-to-surface munitions development.

The House bill and Senate amendment would approve this request.

The conferees continue to support development of the joint standoff weapon (JSOW). The conferees, however, believe the Department of Defense should evaluate interim alternatives that offer accelerated fielding of JSOW-like capability. The conferees have been informed that there may be adaptor kit alternatives which could accomplish this inexpensively.

Accordingly, the conferees agree to authorize up to $2.0 million each for the Navy and the Air Force from within available funds to conduct a technology demonstration. The conferees agree that the Secretary of the Navy, acting as executive agent, should:

(1) Issue a request for information (RFI) about non-developmental adapter kits for existing unguided munitions (1,000 pound class and below);

(2) Judge the merit in any responses and, if the Secretary finds merit, select a contractor to conduct a technical demonstration; and,

(3) Submit a report to the congressional defense committees detailing the potential integration costs, demonstration results, and applicability of any possible near-term precision guidance capability.

If the Secretary of the Navy determines that further evaluation is not warranted, the Navy and Air Force should apply remaining funds to other requirements in the JSOW program. The Secretary should notify the congressional defense committees of such a decision.

If the Secretary decides to conduct a technical demonstration, the Secretary should develop a program that takes into account: (1) government-furnished equipment, such as transponders, inert munitions, and test ranges and facilities; and (2) contractor-furnished equipment and services, such as appropriate test aircraft, global positioning navigation systems, telemetry integration, range safety plans, and data reduction.

Extremely high frequency communications (sec. 224)

The Senate report (S. Rept. 103-112) directed the Department of Defense to adopt a single waveform standard for extremely high frequency communications. The Senate amendment also would reduce the $55.8 million request for Navy satellite communications by $43.0 million due to the availability of prior-year funds.

The House report (H. Rept. 103-200) and House bill did not take similar actions.

The House recedes.

The conferees agree that legislation is required to ensure effective implementation of a single waveform standard. In addition, the conferees direct the Under Secretary of Defense for Acquisition and Technology to address the technical and programmatic issues that must be resolved to achieve a common waveform that satisfies defense-wide requirements. In particular, the conferees direct the Under Secretary to formally review the waveform technology performance advantages developed by the Ballistic Missile Defense Organization for propagation through jamming, rain, and atmospheric ionization. The Under Secretary should evaluate the cost-effectiveness of these performance advantages, whether this performance is required for missile defense and other missions, and whether this technology could be incorporated into the Milstar waveform to achieve compatibility with Milstar terminals. The Under Secretary shall report the results of this review to the congressional defense committees by June 1, 1994.

The reduction to the Navy's Milstar terminal program would be taken without prejudice; the conferees intend that the requested amount be provided for the program.

The conferees also agree to reduce the $973.2 million request for the Milstar satellite system by $50.0 million due to anticipated budget reductions. The conferees note that the Department of Defense has reprogrammed large sums from this program in the last several years.

Mid-infrared advanced chemical laser (sec. 225)

The House bill contained a provision (sec. 242) that would prohibit the Secretary of Defense from carrying out a test of the mid-infrared advanced chemical laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized in law.

The Senate amendment contained no similar provision.

The Senate recedes.

Ballistic missile defenses (secs. 231-243)

The House bill contained 14 provisions (secs. 231-241 and 243-245) regarding ballistic missile defenses (BMD).

The Senate amendment contained 9 provisions (secs. 216 and 221-228).

The conferees address these various provisions under four general headings: Funding for BMD Programs; Policy Guidance; Programmatic Guidance; and Revisions to the 1991 Missile Defense Act.

FUNDING FOR BMD PROGRAMS

In section 231, the conferees recommend a total of $2,638,992,000 for research, development, test and evaluation for ballistic missile defense programs managed by the Ballistic Missile Defense Organization (BMDO). Of this amount, $1,450,992,000 is recommended for programs contained in the theater missile defenses program element, and $650,000,000 is recommended for the limited defense system program element. The conferees further agree to combine the program elements for "other follow-on systems" and "research and support," into a single program element, entitled "research and support," and to recommend $538,000,000 for this activity, including the SBIR/SBTT program.

The conferees further agree to provide limited transfer authority among these program elements, and to require the submission of the standard report on the allocation of funds among ballistic missile defense programs, projects, and activities within 60 days after the enactment of this act. None of the funds appropriated for use by the Ballistic Missile Defense Organization may be made available to the Brilliant Eyes program; funding for the Brilliant Pebbles (advanced interceptor technology) program may not exceed $35.0 million.

The conferees note that, in its recently completed Bottom-Up Review, the Administration has significantly reordered priorities for the ballistic missile defense program to

emphasize protection of forward-deployed U.S. forces in the near-term and to proceed with a more robust theater missile defense program. The limited defense system program would be continued as an aggressive technology development program. The conferees are strongly committed to the top priority assigned to theater missile defense in the BMD program. The conferees are also highly supportive of a strong technology development program to reduce lead-times for deployment of a limited national missile defense system should a significant threat develop. The conferees further note that the level of funding authorized in this act is significantly lower than the annual average funding level for ballistic missile defenses recommended in the Bottom-Up Review. In part, this outcome represents the conferees' judgment that, for fiscal year 1994, other competing programs are of higher priority than additional BMD funding; in part, it reflects the conferees' judgment that the Department of Defense has not yet made the case for the funding levels it recommends in the Bottom-Up Review. Future program plans, timetables for deployment, testing plans, and missile defense architectures are incompletely defined, providing little basis, thus far, for congressional support of higher funding levels. Accordingly, the conferees require detailed reporting on the specific directions that the Administration intends to pursue in support of its broad BMD policy statements over the period covered by the future years defense program.

POLICY GUIDANCE

In section 234, the conferees require reports on the compliance of the current baseline configuration of several theater missile defense systems and components with the current interpretation of the ABM Treaty. The systems to be evaluated include the following:

The Patriot multimode missile
The extended range interceptor (ERINT)
The theater ground-based radar
The THAAD interceptor missile
The Brilliant Eyes program

Planned upgrades to the AEGIS/SPY radar system and the SM-2 interceptor missile. The conferees also agree to limit the obligation of funds for each of the programs listed above to not more than 50 percent of the fiscal year 1994 funds allocated for that program to ensure that the information on compliance is available prior to the start of consideration of the fiscal year 1995 defense request.

In sections 235 and 236, respectively, the conferees require the Administration to provide detailed "roadmaps" of its multi-year plans for development and deployment of robust theater missile defenses, and its multi-year development plans for a limited defense system. The conferees are concerned that, within the theater missile defense initiative, duplicative and overlapping programs exist, and more programs are being considered for development and deployment than prospective future funding levels can support. The conferees agree that the threat is here today and that current defense capabilities need to be augmented by improved fielded capabilities, deployable in adequate numbers. Too often, the Department has allowed pursuit of some "better" longer term alternative to delay the development and fielding of quite good—and badly needed—nearer term capabilities. The conferees believe strongly that the Department must make the hard choices necessary to select those programs which will provide the most cost-effective theater missile defense capabilities within realistic overall budget ceilings. The conferees also encourage the completion of those critical near-term experiments and tests that would confirm the effectiveness of particular technologies for theater missile defense application. The conferees intend to scrutinize the BMDO theater missile defense plan closely to ensure the rapid availability of improved missile defenses to U.S. expeditionary forces.

The conferees are also concerned that the proposed annual funding in the Bottom-Up Review of $600 million per year for a limited defense system may be insufficiently focused on the development of the specific systems that could comprise a future initial Treaty-compliant development in response to some potential threat. The funding level may also be inadequate to ensure a robust hedge against the need for timely engineering and manufacturing development (EMD) and deployment to counter some future, belatedly-recognized threat to the United States. In this regard, the conferees direct that priority for funding within the limited defense system program shall be placed on those projects aimed at resolving the key system-level technical challenges associated with a limited defense system. The projects should include prototypical ground-based interceptors (GBI), kinetic kill vehicles (KKVs), ground-based radar and space-based sensor technology, and associated battle management/command, control and communications (BM/C3) capabilities necessary to support such a responsive posture. The conferees serve notice that funding requests for the continued technology development of components of a future limited defense system must clearly lead to reduced lead-times for deployment in response to a future threat. The funds cannot simply be expended across a broad array of "technology development" activities.

The conferees further note that, under the former "Strategic Defense Initiative (SDI)", substantial sums were invested in large test facilities, numerous projects and activities which may be of possible national defense utility but which may be unnecessary to the current emphasis on development and deployment of specific missile defense architectures, and countless studies, analyses, and contractor support activities, which should now be largely superfluous and unnecessary. In sum, BMDO has changed its name and has completed the broad outlines of a reorganization from SDI to deployable theater missile defenses. But many more programs, projects, and activities of limited relevance to near-term goals remain. Moreover, BMDO infrastructure and outside support cadres are still too robust for future funding levels. The BMDO needs to further streamline its overhead and slim down its programs, projects, and activities, in order to devote the bulk of its efforts to those missile defense development and deployment activities endorsed by Congress in this act.

In section 242, the conferees urge the Administration to establish meaningful cooperative development programs for the development of improved theater missile defense capabilities with our major allies. The proliferation of ballistic missiles and the anticipated increase in the range, sophistication, and lethality of those missiles and warheads means that most of our allies are now, or soon will be, threatened by potential ballistic missile attacks against their homelands, perhaps including attacks with weapons of mass destruction. Therefore, our major allies should have a common interest with the United States in the development of improved theater missile defenses, including the so-called "upper tier" defenses against longer-range theater missiles. Because the United States may be hard-pressed to fund adequately from available defense resources all of the worthwhile theater missile defense programs, the Administration needs to pursue diligently the establishment of cooperative programs in this area. The Administration should not merely seek allied financial contributions to ongoing BMDO programs, but shall establish a sharing of research tasks as well. Furthermore, it is in the interest of the United States and our allies to ensure that fielded theater missile defense capabilities are fully interoperable and complementary.

Section 243 would provide for the orderly transfer of far-term missile defense technologies from the management responsibility of BMDO to the military departments and defense agencies. While the Secretary of Defense may retain any of the programs, projects, and activities that he deems to be of overriding importance to the national security under BMDO management, the conferees strongly encourage this transfer. For the past two years, Congress has strongly recommended that follow-on research activities be transferred to the military departments and defense agencies. Only three such projects have been transferred. As a guideline, follow-on research projects should not be retained in, or transferred to, BMDO unless there is a plan to begin deployment-related activities, such as EMD, within the period covered by the future years defense program. Resources for ballistic missile defenses are limited, and the decision has been made to abandon a fixed date for deployment of national missile defenses and to keep limited defense systems at the technology demonstration level. These factors all suggest that "follow-on technologies" are highly unlikely to be developed for deployment in the foreseeable future. Other potential defense missions outside the BMD program for long-term technologies, such as high energy lasers, appear more promising, yet continuation of such programs under BMDO auspices unnecessarily focuses those technology efforts on missile defense missions. To the extent the Secretary elects to retain any of the follow-on systems technologies within BMDO, such activities shall be placed under, and funded from the resources allocated to, the research and support program element.

In section 237, the conferees incorporate separate provisions of the House bill (sec. 240) regarding theater missile defense testing and the Senate amendment (sec. 228) regarding testing of limited defense system components.

PROGRAMMATIC GUIDANCE

Both the House bill and the Senate amendment contained provisions that would offer programmatic direction and guidance on missile defense activities to BMDO.

In section 233, the conferees provide guidance regarding the current competition to provide improved Patriot PAC-3 capabilities. The conferees provide a mechanism to ensure that, in the event the scheduled February 28, 1994, downselect decision by BMDO is delayed, funding will be available to support both competitor teams until such a decision is taken. The conferees, however, urge BMDO to adhere to the current schedule for selection, and direct BMDO to notify the congressional defense committees promptly of any delay, and the reasons for such delay, in the scheduled downselect decision.

The House bill contained a provision (sec. 238) that would direct the Secretary of Defense to pursue a particular "upper tier" theater missile defense configuration. The conferees agree not to adopt the House provision; however, the Secretary is directed to include consideration of this particular configuration in the theater missile defense roadmap required by section 235. The Secretary is also directed to ensure the performance of the required critical tests and evaluations that will demonstrate the potential effectiveness of the several alternatives under consideration for lower tier and upper tier theater ballistic missile defenses.

The House bill contained a provision (sec. 244) related to the Clementine satellite program. The conferees do not believe the program is relevant to the near-term missile defense capabilities that will be emphasized. Accordingly, in section 241, the conferees direct the Secretary to evaluate the merits of the proposed use of the Clementine satellite program. If the Secretary determines that it merits DOD support, the Secretary shall apply funding to and assign programmatic responsibility to a military department of defense agency other than BMDO.

The House bill contained a provision (sec. 241) that would strongly endorse the joint U.S.-Israel ARROW cooperative program and would direct certain funding levels for the program. The Senate amendment contained a provision (sec. 216) that would require the Secretary to conduct a full review of the ARROW program. In section 238, the conferees reiterate their support for the ongoing ARROW program. At the same time, the conferees recognize the importance of careful review and accountability for funds provided and to be provided in support of the joint program. Accordingly, in section 239, the conferees require the Secretary to review the ARROW program and provide the results to the relevant congressional committees.

REVISION TO THE MISSILE DEFENSE ACT OF 1991

In section 232, the conferees make technical and conforming changes to the Missile Defense Act of 1991, as amended, to reflect the changed national missile defense priorities resulting from the Bottom-Up Review and the redesignation of SDIO as BMDO.

Defense women's health research (sec. 251)

The House bill included a provision (sec. 251) that would establish a Defense Women's Health Research Center to serve as the coordinating agent within the Department of Defense for multidisciplinary and multi-institutional research on women's health issues related to service in the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree that the Secretary of Defense may establish a women's health research center at an existing DOD medical center that is best able to carry out the coordinating agent role, both within DOD and with other agencies, including the Department of Health and Human Services, the Department of Veterans' Affairs, and the Indian Health Service. The center should focus its research efforts on matters relating to women's service in the military. It should also ensure that DOD medical centers stay up to date on other agencies' much larger health research efforts affecting women in the military and female dependents of servicemembers, particularly at the National Institutes for Health and the Centers for Disease Control. The center should ensure that women in the military and female dependents of servicemembers have the opportunity to participate in research studies on women's health issues funded both by the Department of Defense and other federal agencies. The conference agreement would authorize an additional $20.0 million of fiscal year 1994 defense research funds in PE 63002A for establishment of the center or for medical research relating to women's service in the military at existing DOD medical centers, should the Secretary choose not to establish the center.

The conferees agree that the purpose of this funding is to provide a coordinated effort for medical research within DOD on women's health issues relation to women's service in the military. The Department of Defense must spend this funding for that purpose under a single coordinating agent within DOD. If the Secretary chooses not to establish the center, the conferees agree that the Secretary should submit a report to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994, reflecting the Department's plan for the use of the $20.0 million authorized in PE 63002A.

If the Secretary chooses to establish a women's health center, the Secretary shall report to the Committees on Armed Services of the Senate and House of Representatives, 60 days before the establishment of the center, on the competitive process used to establish the center and the planned location of the center.

Inclusion of women and minorities in clinical research projects (sec. 252)

The House bill contained a provision (sec. 253) that would ensure that women and minorities are included in future clinical research projects where appropriate.

The Senate amendment contained no similar provisions.

The Senate recedes.

Nuclear testing (sec. 261)

The Senate amendment contained a provision (sec. 231) that would prohibit the obligation of funds to support the "Mighty Uncle" test or any other test of the effects of nuclear weapons on military systems that is inconsistent with section 507 of the Energy and Water Development Appropriations Act for Fiscal Year 1993 (Public Law 102-377). The provision would allow the Defense Nuclear Agency to retain the funds if appropriated to do other work at the Nevada Test Site to maintain its testing competency.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The provision would prohibit the obligation of funds for preparations for weapons effects tests, including "Mighty Uncle," that are inconsistent with section 507 of the Energy and Water Development Appropriations Act for Fiscal Year 1993. The provision would permit the Defense Nuclear Agency to proceed with tunnel deactivation, environmental cleanup, and other infrastructure activities at the Nevada Test Site associated with maintaining the capability to resume weapons effect testing in the future.

One-year delay in transfer of management responsibility for Navy mine countermeasures program (sec. 262)

The House included a provision (sec. 264) that would amend section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 to change the years of implementation from fiscal years 1994 through 1997 to fiscal years 1995 through 1997.

The Senate amendment included a similar provision (sec. 232), except this provision would shift implementation to fiscal years 1995 through 1999.

The House recedes.

Semiconductor Technology Council (sec. 263)

The Senate amendment contained a provision (sec. 233) that would amend the statute authorizing federal support of Sematech to create a new advisory committee that would have a broader charter than the original advisory committee.

The House bill contained no similar provision.

The House recedes with an amendment that would ensure that a key purpose of the new committee would be to address the dynamic market forces that influence the direction and focus of public sector investment in semiconductor technology development, and expand industry representation on the committee.

Authority to acquire large cavitation channel, Memphis, Tennessee (sec. 264)

The Senate amendment contained a provision (sec. 234) that would authorize the Secretary of the Navy to acquire title to land on President's Island, Memphis, Tennessee, the site of the Navy large cavitation channel. The provision would make amounts authorized for the Navy pursuant to section 201(2) of the Senate amendment available for this purpose.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Repeal of requirement for study by Office of Technology Assessment (sec. 266)

The House bill contained a provision (sec. 261) that would repeal the requirement for a study by the Office of Technology Assessment.

The Senate amendment contained no similar provision.

The Senate recedes.

Comprehensive independent study of national cryptography policy (sec. 267)

The House bill contained a provision (sec. 262) that would require a study by the National Research Council of the National Academy of Sciences on cryptographic technologies and national cryptography policy.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the study to examine two additional issues.

The conferees intend that the National Research Council study include the effects of cryptographic policy on U.S. law enforcement and national security interests, on the privacy interests of U.S. citizens, and on the commercial interests of U.S. industry. Due to the extensive civilian interest in the application of encryption and computer technology, the conferees strongly recommend that the National Research Council consult with and seek input from the relevant federal agencies, including, but not limited to, the National Institute for Standards and Technology of the Department of Commerce.

Review of assignment of defense research and development categories (sec. 268)

The House bill contained a provision (sec. 263) that would direct the Secretary of Defense to: (1) review the Department's management and assignment of program element numerical categories to its research and development programs; (2) designate an official responsible for monitoring and reviewing such program element numerical categories; and (3) provide a report and certification to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would include research categories 6.1 and 6.2 within the review.

Grant to support research on exposure to hazardous agents and materials by military personnel who served in the Persian Gulf war (sec. 270)

The House bill contained a provision (sec. 267) that would make a $1.2 million grant for studying the possible health effects of exposure to low levels of volatile organic chemicals and other substances, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf war.

The Senate amendment contained a provision (sec. 1076) that would acknowledge the possibility that U.S. military personnel 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. The provision would direct the Secretary of Defense to determine the validity and accuracy of claims that members of the armed forces who served in southwest Asia were exposed to combined chemical warfare agents, biological warfare agents, biological toxins, and other hazardous environmental conditions. The provision would authorize $2.0 million for the study. The provision also would direct the Secretary of the Army to enter into a contract with a hospital or other existing health care research facility for research into the effects of exposure to chemical, biological, radiological, and other hazardous agents and materials and would provide $2.0 million for this purpose.

The Senate recedes with an amendment. The conferees agree to authorize $1.2 million for the research described in the House provision.

The conferees are aware that the Department of Defense has maintained that there is no evidence that Iraqi forces used chemical or biological weapons or agents or that U.S. troops were accidentally exposed to such agents during the Persian Gulf war. The information the Department and U.S. intelligence agencies provided supports this position. The conferees are aware of reports by Czech Republic chemical defense units serving with coalition forces in the Gulf that they detected very small quantities of chemical agents on two separate occasions, but Czech military personnel were not exposed. The Department of Defense has acknowledged the Czech reports and stated that they cannot be discounted. The Department has also stated that the reported detections were not confirmed by U.S. or other allied units. The conferees are unaware of any other reports of chemical or biological weapons use during the Gulf war. Also, there are no substantiated reports in which the exposure of U.S. personnel to chemical warfare agents, biological agents, or biotoxins has been confirmed.

The conferees do not discount the claims by U.S. personnel who served in the Gulf that they are suffering a mystery ailment of unexplained origins, the so-called "Desert Storm syndrome." The conferees are also aware that the Department of Defense and the Department of Veterans Affairs are investigating the potential causes of Desert Storm syndrome.

The conferees do not treat the possible exposure to chemical or biological agents lightly. They believe, however, that the available evidence provides limited credence to the need for a separate $2.0 million study called for in the Senate amendment. The conferees are concerned that to focus at this time on the issue of unconfirmed chemical or biological exposure may adversely affect the ability to resolve what appears to be more proximate and plausible potential causes of Desert Storm syndrome for which evidence does exist (exposure to large and continuous quantities of petrochemicals, petrochemical vapors, or other hazardous chemicals, for example). For these reasons, the conferees agree to delete the Senate recommendation for a $2.0 million study to investigate the possible exposure to hazardous materials.

The conferees look forward to prompt reports by the Departments of Defense and Veterans affairs on their investigations into possible causes of Desert Storm syndrome.

Research on exposure to depleted uranium by military personnel who served in the Persian Gulf war (sec. 271)

The House bill contained $1.7 million in PE 603002A to initiate a five-year study on the pathology of depleted uranium fragments. The House report (H. Rept. 103-200) would direct the Secretary of the Army to fund the balance of the study in subsequent annual requests for medical research funding.

The Senate amendment contained a provision (sec. 1076(e) and (j)(3)) that would direct the Secretary of the Army to study the effect upon humans of exposure to fragments of depleted uranium from weapons that have been fired. The provision would provide $1.7 million for this purpose.

The conferees agree to a provision that would direct the Secretary of Defense to make a competitive grant in the amount of $1.7 million to a medical research institution for the purpose of studying possible short- and long-term effects on the health of personnel who are exposed to depleted uranium on the battlefield, including exposure through ingestion, inhalation, or bodily injury.

Metal casting (sec. 272)

The House bill would authorize $15.0 million from within the Defense Logistics Agency's MANTECH program for a pilot manufacturing program for the metal casting industry.

The Senate amendment contained a provision (sec. 236) that would urge the Secretary of Defense to provide funding, as a part of the defense conversion program, for development, technology transfer, and training within the metal casting industry.

The House recedes. The conferees note that significant awards have been made under the fiscal year 1993 defense conversion program to the metal casting industry. The conferees urge the Department of Defense to continue to seriously consider proposals from the metal casting industry in fiscal year 1994.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reentry vehicle industrial base

The House bill contained a provision (sec. 203) that would authorize $5.0 million for the Navy contribution to the reentry vehicle industrial base study described in the House report (H. Rept. 103-200).

The Senate amendment contained no similar provision.

The House recedes. The conferees agree that legislation is not required and direct that, of the amount authorized to be appropriated pursuant to section 201 of this act for the Navy, $5.0 million be available to implement the U.S. Strategic Command's recommendation to sustain the reentry vehicle industrial base.

Horizontal integration

The budget request did not include any funds for demonstrating digital electronics devices and their application to solving problems of command and control, battle management, and combat identification. This effort has been called "horizontal integration."

The House bill contained a provision (sec. 204) that would authorize $8.0 million to undertake horizontal integration and would authorize an additional $2.0 million to perform a requirements study of the need for upgrading the data processor on the M1A2 tank.

The Senate amendment contained a provision (sec. 1075) that would authorize $24.0 million for the Army to demonstrate the horizontal integration of its primary combat units.

The conferees agree to delete both provisions.

The conferees strongly support the Army's efforts to electronically integrate its combat forces, but believe that the Army's plan to field this capability is too fainthearted. The Army's plan for fielding this capability in operational units will stretch well into the next century. During the time the Army will take to outfit an integrated corps of combat forces, the electronics industry will introduce at least two new generations of technology. Left alone, the Army will field obsolete electronics. The conferees believe this is unacceptable.

The conferees believe that the Army plan has the wrong focus. Too much of the Army's plan rests with the complete overhaul of a limited number of key systems, such as the AH-64 helicopter, the M-1 tank, and the M-2 fighting vehicle. The pace of modernization will be held back because the Army is using the "horizontal integration" plan as a rationale for block modernization of the underlying weapon systems. The conferees believe the Army should have a modernization program for fielded weapons. The Army, however, should not let the underlying program for upgrading major weapon systems hold back this horizontal integration revolution.

The Army represents that horizontal integration will include all combat and combat support elements. The conferees note, however, that concrete plans extend to only a handful of combat weapon systems, such as tanks, fighting vehicles, and helicopters.

The conferees believe that horizontal integration offers the key to avoiding fratricide by providing affirmative combat identification on the battlefield. The Army is proceeding quickly with a combat identification program, but has not shown how this effort is coordinated with the broader horizontal integration plan.

For these reasons, the conferees direct the Under Secretary of Defense for Acquisition and Technology to undertake a comprehensive reassessment of the horizontal integration initiative. In conjunction with the Army, the Under Secretary should develop a modernization plan with at least the following three goals: (1) to cut in half the time the Army intends to spend on fielding integrated systems; (2) to ensure that all maneuver and maneuver support elements in a division are incorporated in the integration master plan; and (3) to coordinate fully the horizontal integration master plan with the Department's plans for combat identification and fratricide avoidance.

The conferees agree to authorize $8.0 million for horizontal integration to continue ongoing testing. The conferees, however, agree that they will not authorize funds in future years until the Department completes the comprehensive assessment and submits the results of that assessment to the congressional defense committees.

High performance computer modernization program

The House bill contained a provision (sec. 214) that would require supercomputers acquired by the Department to modernize the capability of the defense laboratories to be of current vintage and reflect the needs of the users and not the needs of the developers of new supercomputers.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that a balance must be struck between the purchase of traditional vector supercomputers and highly parallel supercomputers. On the one hand, many of the high performance computing needs of the Department's scientific and engineering community can be met by supercomputers with proven state of the art algorithms, computer programs, and other diagnostic architectures. On the other hand, it is important to infuse new computing system architectures as rapidly as possible into the Defense Department organizations that rely on modern high performance computers, in order to take advantage of improved computing power, lower cost, and compatibility with advanced systems coming into use in industry. Therefore, the conferees direct the Director, Defense Research and Engineering (DDR&E) to ensure a balance in computer capability, both in technologies and integration into both research and operational centers within the Department of Defense; update the high performance computer modernization plan; and submit it to the congressional defense committees by March 31, 1994. The conferees also direct that, where practical, the Department consider using the high performance computing capability in non-DOD supercomputing centers to take advantage of potential cost savings and a wide range of available computer architectures. Finally, the conferees direct the Secretary of Defense to include the military service academies as participants in the program and expect their needs to be considered in future plan updates.

The conferees agree to authorize the $122.819 million contained in the budget request for high performance computer modernization. They also transfer these funds from RDT&E to procurement. The conferees direct that these funds may also be available for communications and network services and the operation of high performance computers. The conferees also recommend that either a broad agency announcement or a request for proposal be used to execute individual elements of this program, at the discretion of the Secretary of Defense.

DP–2 vectored thrust technology demonstration project

The House bill contained a provision (sec. 219) that would specify that $15.0 million of research and development funds appropriated for fiscal year 1993 shall be obligated and expended only for testing of the DP–2 vectored thrust technology demonstration project.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that the statement of managers accompanying the Department of Defense Appropriations Act for Fiscal Year 1993 (H. Rept. 102–1015) specified that, of the funds provided in the tactical technology line for the Advanced Research Projects Agency, not more than $15.0 million would be available only for the DP–2 vectored thrust technology demonstration project. The conferees also note that in the past the U.S. Special Operations Command has supported investigation of this technology and its potential for meeting the Command's "mid-lift" requirement. The conferees encourage the Department of Defense to seriously consider this technology.

Continuation of Army breast cancer program

The House bill contained a provision (sec. 252) that would authorize the continuation of the Army breast cancer program.

The Senate amendment contained no similar provision.

The House recedes.

Report on research relating to female members of the uniformed services and female covered beneficiaries

The House bill contained a provision (sec. 254) that would require the Department of Defense to report on women't health research.

The Senate amendment contained no similar provision.

The House recedes.

Lyme disease program

The House bill contained a provision (sec. 268) that would direct the Secretary of Defense to carry out a program for the prevention, detection, and treatment of Lyme disease.

The Senate amendment contained no similar provision.

The House recedes. The conferees agree that statutory language is not required. The conferees, however, direct the Secretary of Defense to conduct a program relating to the prevention, detection, and treatment of Lyme disease through the Environmental Hygiene Agency of the Department of the Army. Information derived from the program that is applicable to the general public shall be provided to the Secretary of Health and Human Services for dissemination to appropriate public health authorities through the Public Health Service.

Funding of $1.0 million for the program shall be derived from the funds available to the Department of the Army in section 201 of this act. The sum of $500,000 shall be for one-time start-up costs for equipment, facilities, and software development and $500,000 shall be for labor and operating expenses.

Joint primary aircraft training system

The budget request contained $36.8 million for development of specialized undergraduate pilot training. This amount included the joint primary aircraft training system (JPATS) and additional development related to the T–1A multi-engine trainer and the enhanced flight screening (EFS) aircraft.

The Senate amendment contained a provision (sec. 125) that would prohibit the obligation of any funds appropriated for a joint primary aircraft trainer until the Secretary of Defense certified that the system was designed for safe and effective operation by at least 95 percent of both male and female pilot trainees. The Senate amendment would also limit JPATS funding to $1.6 million because of delays in the program.

The House bill contained no similar provision and would approve the funding request.

The Senate recedes. The conferees agree to defer a decision on the minimum percentages of males and females which JPATS must encompass. The conferees direct the Department not to take any action that would limit the choices of how large a percentage of the male and female population are to be accommodated by JPATS *until* the Secretary of Defense conducts a study to determine the following:

(1) What is the appropriate population of males and females to us in calculating such percentages?

(2) What percentages of male and female pilot candidates are supported by current training systems (both Navy and Air Force)?

(3) What percentages are supported by the current JPATS designs?

(4) What is the largest change in the physical arrangement of the cockpits that can be incorporated into JPATS competitors without departing from a non-developmental acquisition structure?

(5) What are the maximum population percentages that such a non-developmental JPATS program would support?

(6) What are the life cycle cost implications of departing from a non-developmental program?

(7) What are the life cycle costs of fielding JPATS if the non-developmental acquisition plan is abandoned, to include alternative levels of population coverage above that achievable in a non-developmental JPATS program?

(8) What are the safety considerations in expanding population percentages within the framework of a nondevelopment JPATS program, or in expanding population percentages beyond that point?

The conferees reserve judgment on the JPATS program. The conferees agree that the Department should not make a premature decision on JPATS acquisition that does not balance nondevelopmental cost savings with the most expanded user population possible. Therefore, the conferees direct the Secretary of Defense to report the results of this analysis to the congressional defense committees no later than March 1, 1994.

The conferees believe that it does little good to expand the candidate population for a primary jet trainer, when follow-on training and fleet aircraft cannot safely accommodate the new population. The conferees are concerned about the larger issue of the expansion of universal ejection seat capability. Accordingly, the conferees direct the Secretary of Defense to separately analyze the possible expansion of parameters on ejection seats both currently in use by all U.S. military aircraft and under development for future aircraft. The conferees direct the Secretary to submit the results of this analysis to the congressional defense committees in conjunction with the results of the JPATS study by March 1, 1994.

The conferees agree to provide $5.6 million for specialized undergraduate pilot training ($2.4 million as requested for T–1A and EFS, and $3.2 million for JPATS).

Javelin missile program

The Senate amendment included a provision (see. 212) that would limit the obligation of research and development funds for the Javelin missile program in fiscal year 1994 to $34.9 million until the Under Secretary of Defense reviewed the program and certified that its cost problems were under control, conducted a cost-effectiveness analysis, and approved any producibility plan the Army provided.

The House bill contained no similar provision.

The conferees share the Senate report's concerns (S. Rept. 103–112) about the contractor's cost growth problems. The conferees also understand that the Army is contemplating major reductions in Javelin missile procurement quantities which would further increase unit costs. The conferees except the Army to reassess the Javelin's cost-effectiveness in view of continually escalating costs. The conferees also expect the Army to ensure that system development and production costs are brought under control.

Last year, Congress provided the Army with an additional $10.0 million to facilitate changes in system design to lower production costs, the Army, however, used these funds to finance cost overruns. The conferees expect the Army to provide the congressional defense committees with an enhanced producibility plan approved by the Army and the contractors when it submits the fiscal year 1995 budget. The conferees expect this report to describe how the Army intends to achieve the cost reductions described in the producibility plan that was presented to Congress last year.

The conferees understand that the Javelin missile system continues to perform well in development tests and understands the Army's strong support for the system. However, the Army and the contractors must understand that they cannot ignore continuing cost growth that is eroding congressional support for the Javelin.

B-1 electronic countermeasures test plan

The Senate amendment contained a provision (sec. 213) that would require the development of a test plan for any new B-1B electronic countermeasures system which the Air Force proposes to acquire as a replacement for the failed ALQ-161 system.

The House bill contained no similar provision.

The Senate recedes.

Interim reconnaissance program

The Senate amendment contained a provision (sec. 237) that would permit the unmanned aerial vehicle joint program office (JPO) to obligate up to $40.0 million for a long-endurance, unmanned aerial vehicle program to procure, integrate, test and evaluate non-developmental airframes, sensors, communications equipment, mission planning equipment and ground stations.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to provide funding for a long-endurance, unmanned aerial vehicle program with the restructured tactical reconnaissance office described elsewhere in this statement of managers.

Medical laser burn treatment

The Senate amendment contained a provision (sec. 1089) that would direct the Secretary of Defense to carry out a program for medical laser burn treatment.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that statutory language is not required. The conferees, however, direct the Secretary of Defense to continue the medical laser burn treatment program. Information derived from the program that is applicable to the general public shall be provided to the Secretary of Health and Human Services for dissemination to appropriate public health authorities through the Public Health Service.

Funding of $2.0 million for the program shall be derived from the funds available to the Department of the Army in section 201 of this act.

TITLE III—OPERATION AND MAINTENANCE

The House bill would authorize $89,055,704,000 for operation and maintenance for the Department of Defense and $1,405,895,000 for Working Capital Fund accounts in fiscal year 1993.

The Senate amendment would authorize $86,213,277,000 for operation and maintenance for the Department of Defense and $3,921,495,000 for Working Capital Fund accounts in fiscal year 1993.

The conferees recommended authorization of $87,404,184,000 for operation and maintenance for the Department of Defense and $1,498,195,000 for Working Capital Fund accounts in fiscal year 1993, as reflected in the following tables.

The conferees recommended authorization of all funds for the Defense Health Program, including procurement, under title III. The conferees recommended authorization of all funds for the Chemical Demilitarization Program under Title I.

OPERATION AND MAINTENANCE
SUMMARY OF FUNDS RECOMMENDED FOR AUTHORIZATION
(DOLLARS IN THOUSANDS)

ACCOUNT	FY 1994 REQUEST	HOUSE CHANGE	FY 1994 HOUSE AUTHORIZED	SENATE CHANGE	FY 1994 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1994 CONFERENCE AUTHORIZED
O&M, ARMY	16,014,394	393,216	16,407,610	(820,358)	15,194,036	(107,148)	15,907,246
O&M, NAVY	20,192,900	(125,407)	20,067,493	(1,111,108)	19,081,792	(116,460)	20,076,440
O&M, MARINE CORPS	1,818,000	172,139	1,990,139	(27,511)	1,790,489	42,056	1,860,056
O&M, AIR FORCE	19,808,384	70,264	19,878,648	(876,138)	18,932,246	(478,275)	19,330,109
O&M, DEFENSE AGENCIES	9,587,581	(511,153)	9,076,428	(64,298)	9,523,283	(352,120)	9,235,461
O&M, ARMY RESERVE	1,107,800	(12,210)	1,095,590	(11,610)	1,096,190	(12,210)	1,095,590
O&M, NAVY RESERVE	773,800	2,000	775,800	9,000	782,800	(1,094)	772,706
O&M, MARINE CORPS RESERVE	75,100	(50)	75,050	8,000	83,100	7,850	82,950
O&M, AIR FORCE RESERVE	1,354,578	0	1,354,578	1,500	1,356,078	(8,286)	1,346,292
O&M, ARMY NATIONAL GUARD	2,218,900	4,355	2,223,255	(1,956)	2,216,944	(2,356)	2,216,544
O&M, AIR NATIONAL GUARD	2,657,233	8,000	2,665,233	60,500	2,717,733	(18,029)	2,639,204
RIFLE PRACTICE, ARMY	2,483	0	2,483	0	2,483	0	2,483
O&M, INSPECTOR GENERAL	126,801	42,200	169,001	200	127,001	34,200	161,001
COURT OF MILITARY APPEALS	6,055	(445)	5,610	0	6,055	0	6,055
ENVIRONMENTAL RESTORATION	2,309,400	0	2,309,400	60,000	2,369,400	(347,000)	1,962,400
DRUG INTERDICTION	1,168,200	(58,761)	1,109,439	0	1,168,200	(300,000)	868,200
DEFENSE HEALTH PROGRAM	9,353,300	26,147	9,379,447	(49,853)	9,303,447	26,147	9,379,447
FORMER SOVIET UNION THREAT REDUC. (TITLE XII)	400,000	0	400,000	0	400,000	0	400,000
VIDEOTAPING OF INTERROGATIONS	0	2,500	2,500	0	0	0	0
GLOBAL COOPERATIVE INITIATIVES	448,000	(448,000)	0	(448,000)	0	(448,000)	0
CONTINGENCY FUNDING STRUCTURE	0	10,000	10,000	0	0	0	0
SUMMER OLYMPICS	0	0	0	2,000	2,000	2,000	2,000
WORLD CUP USA	0	0	0	12,000	12,000	12,000	12,000
HUMANITARIAN AID	0	58,000	58,000	48,000	48,000	48,000	48,000
TOTAL OPERATION & MAINTENANCE	**89,422,909**	**(367,205)**	**89,055,704**	**(3,209,632)**	**86,213,277**	**(2,018,725)**	**87,404,184**

WORKING CAPITAL FUNDS

WORKING CAPITAL FUNDS	FY 1994 REQUEST	HOUSE CHANGE	FY 1994 HOUSE AUTHORIZED	SENATE CHANGE	FY 1994 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1994 CONFERENCE AUTHORIZED
DEFENSE BUSINESS OPERATIONS FUND	1,161,095	(70,000)	1,091,095	0	1,161,095	(45,000)	1,116,095
NATIONAL DEFENSE STOCKPILE	0	0	0	67,300	67,300	67,300	67,300
NATIONAL DEFENSE SEALIFT FUND	290,800	0	290,800	2,378,300	2,669,100	0	290,800
NATIONAL SECURITY EDUCATION TRUST FUND	24,000	0	24,000	0	24,000	0	24,000
TOTAL WORKING CAPITAL FUNDS	**1,475,895**	**(70,000)**	**1,405,895**	**2,445,600**	**3,921,495**	**22,300**	**1,498,195**
TOTAL O&M AND WORKING CAPITAL FUNDS	**90,898,804**	**(437,205)**	**90,461,599**	**(764,032)**	**90,134,772**	**(1,996,425)**	**88,902,379**

O&M, ARMY

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ARMY	16,014,394		16,407,610		15,194,036		15,907,246
Inventories		(205,000)				(65,000)	
Pentagon Reservation Maintenance Fund		(5,400)				(5,800)	
Travel		(50,000)				(50,000)	
Automated Data Processing		(75,000)				(35,000)	
DBOF Adjustment		(83,500)				0	
Model Simulation		(15,000)				(5,000)	
Contract Advisory Assistance Services		(10,000)				(10,000)	
Real Property Maintenance		(24,000)		30,000		(24,000)	
Classified Programs		(10,826)		(81,800)		(28,228)	
Reduced Force Structure		(4,700)				0	
Unobligated Balances		(60,000)				0	
Host Nation Contribution Transfer to U.S.							
-- Foreign National Pay		(250,000)				(250,000)	
-- Residual Value		(170,000)				(170,000)	
-- Korea Automatic Data Proces./Ration Cntl.		(15,000)				(15,000)	
-- Korea Foreign Contracting Costs		(5,000)				(5,000)	
Teletraining		17,000				9,000	
DBOF Base Support Test Adjustment		34,642		34,642		34,642	
Depot Maintenance		230,000		125,000		110,000	
Readiness Enhancements/OPTEMPO		500,000				175,000	
Peacekeeping Disaster Relief Transfer		110,000				0	
European Equipment Retrograde		100,000				100,000	
Host Nation Contribution--U.S. Base Operations/Readiness Credit		385,000				435,000	
Military Personnel Strength				(30,000)		(30,000)	
Environmental Policy Institute				1,000		4,000	
Raise O&M Purchase Threshold				11,000		0	
DBOF Transfer				(880,200)		0	
National Defense Stockpile Transfer				(150,000)		0	
Global Cooperative Initiatives Transfer				120,000		0	
Army Education Pilot Program						1,200	
Fuel Pricing						(17,883)	
Arms Control Compliance						(679)	
Civilian Personnel Understrength						(110,400)	
Foreign Currency						(154,000)	
TOTAL		393,216		(820,358)		(107,148)	

O&M, NAVY

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, NAVY	20,192,900		20,067,493		19,081,792		20,076,440
DBOF Base Support Test Adjustment		(3,057)		(3,078)		(3,078)	
Pentagon Reservation Maintenance Fund		(3,200)				(2,300)	
Naval Inves. Service Executive Compensation		(500)				(500)	
Automated Data Processing		(80,000)				(37,000)	
DBOF Adjustment		(145,000)				0	
Morale, Welfare and Recreation		(17,000)				0	
Model Simulation		(15,000)				(5,000)	
Strategic OPTEMPO		(100,000)				0	
Contract Advisory Assistance Services		(10,000)				(10,000)	
Real Property Maintenance		(12,000)		30,000		(12,000)	
Travel		(10,000)				(10,000)	
Inventories		(372,000)				(72,000)	
Classified Programs		(1,000)		(11,600)		(12,920)	
Bermuda Base Operations		(12,150)				0	
Reduced Force Structure		(30,500)				0	
Unobligated Balances		(15,000)				0	
Host Nation Contribution Transfer to U.S. -- Foreign National Pay		(40,000)				(40,000)	
Depot Maintenance		230,000		125,000		110,000	
Readiness Enhancements/OPTEMPO		395,000				175,000	
Peacekeeping Disaster Relief Transfer		100,000				0	
Naval Air Warfare Center, Tarantuli Program		1,000				0	
Navy Exchange Command Relocation		10,000				10,000	
Host Nation Contribution--U.S. Base Operations/Readiness Credit		5,000				40,000	
Military Personnel Strength				(37,500)		(37,500)	
Arms Control Compliance Costs				(6,100)		(764)	
Raise O&M Purchase Threshold				24,000		0	
Base Closure Savings				(109,130)		(72,000)	
DBOF Transfer				(1,092,700)		0	
National Defense Stockpile Transfer				(150,000)		0	
Global Cooperative Initiatives Transfer				120,000		0	
Fuel Pricing						(101,098)	
LCU Overhaul						2,000	
Foreign Currency						(37,300)	
TOTAL		(125,407)		(1,111,108)		(116,460)	

O&M, MARINE CORPS

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, MARINE CORPS	1,818,000		1,990,139		1,790,489		1,860,056
DBOF Base Support Test Adjustment		(861)		(911)		(911)	
Reduced Force Structure		(7,000)				0	
MPF/Depot		75,000		31,400		20,000	
Readiness Enhancements/OPTEMPO		65,000				30,000	
Peacekeeping Disaster Relief Transfer		40,000				0	
Military Personnel Strength				10,000		10,000	
Raise O&M Purchase Threshold				3,000		0	
Real Property Maintenance				10,000		0	
DBOF Transfer				(121,000)		0	
Global Cooperative Initiatives Transfer				40,000		0	
Fuel Pricing						(1,133)	
Foreign Currency						(15,900)	
TOTAL		172,139		(27,511)		42,056	

O&M, AIR FORCE

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR FORCE	19,808,384		19,878,648		18,932,246		19,330,109
Travel		(3,000)				(3,000)	
Pentagon Reservation Maintenance Fund		(3,800)				(4,100)	
B-52 Maintenance		(14,000)				(47,400)	
Inventories		(165,000)				(56,000)	
DBOF Base Support Test Adjustment		(4,048)		(4,048)		(4,048)	
Automated Data Processing		(75,000)				(25,000)	
DBOF Adjustment		(249,300)				0	
M Accounts		(190,709)				(30,000)	
Model Simulation		(15,000)				(5,000)	
Contract Advisory Assistance Services		(10,000)				(10,000)	
Real Property Maintenance		(24,000)		30,000		(24,000)	
Classified Programs		(64,079)		(25,800)		(16,800)	
Reduced Force Structure		(11,800)				0	
Unobligated Balances		(15,000)				0	
Host Nation Contribution Transfer to U.S. -- Foreign National Pay		(100,000)				(100,000)	
Depot Maintenance		230,000		50,000		60,000	
Readiness Enhancements/OPTEMPO		495,000				120,000	
Peacekeeping Disaster Relief Transfer		100,000				0	
Host Nation Contribution--U.S. Base Operations/Readiness Credit		190,000				100,000	
Military Personnel Strength				(22,500)		(22,500)	
Arms Control Compliance Costs				(8,900)		0	
Disability Compensation				(32,000)		(32,000)	
Civil Air Patrol				769		769	
Raise O&M Purchase Threshold				23,000		0	
Transfer TAC Airlift				(58,000)		0	
Base Closure Savings				(43,759)		(43,759)	
Transfer KC-135s/Reserves				(43,500)		0	
Sat. Control/CSTC				(20,000)		0	
DBOF Transfer				(941,400)		0	
National Defense Stockpile Transfer				(200,000)		0	
Global Cooperative Initiatives Transfer				420,000		0	
Fuel Pricing						(131,737)	
Civilian Personnel Understrength						(87,500)	
Foreign Currency						(116,200)	
TOTAL		70,264		(876,138)		(478,275)	

O&M, DEFENSE AGENCIES

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DEFENSE AGENCIES	9,587,581		9,076,428		9,523,283		9,235,461
DBOF Base Support Test Adjustment		(2,063)		(2,063)		(2,063)	
Defense–Wide Technical Adjustment		(87,300)				0	
Pentagon Reservation Maintenance Fund		(5,600)				(5,800)	
Department of Defense School System		(20,000)				(20,000)	
Automated Data Processing		(85,000)				(27,000)	
DBOF Adjustment		(300,800)				0	
Consultants Advisory Assistance Services		(12,000)				(12,000)	
Classified Programs		(94,790)		(76,160)		(66,278)	
Defense Technology Security Admin. Travel		(500)				(500)	
Office of Economic Adjustment		40,000		5,000		40,000	
Guam Educational Assistance		2,000				2,000	
Service Mbrs. Occupational Conversion & Trng.		25,000				25,000	
Special Operations Reserve Components		22,900				0	
CINC Initiative		5,000				5,000	
Arms Sales Commission		2,000				0	
Reverse DCAA/DCMC DBOF Trans.				(99,000)		(99,000)	
Arms Control Compliance Costs				(17,000)		(28,612)	
Stockpile Operations				(5,100)		(5,100)	
WHS				(675)		(675)	
Civilian Transition Benefits				150,400		0	
Raise O&M Purchase Threshold				49,300		0	
Trans. Nonprolif. Studies/R&D				(31,000)		(31,000)	
Base Closure Savings				(38,000)		(38,000)	
Foreign Currency						(76,600)	
Civilian Personnel Understrength						(33,750)	
SOF Flying Hours						15,000	
Fuel Pricing						(2,742)	
Military to Military Contacts						10,000	
TOTAL		(511,153)		(64,298)		(352,120)	

O&M, ARMY RESERVE

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ARMY RESERVE	1,107,800		1,095,590		1,096,190		1,095,590
DBOF Base Support Test Adjustment		(12,210)		(12,210)		(12,210)	
Raise O&M Purchase Threshold				600		0	
TOTAL		(12,210)		(11,610)		(12,210)	

O&M, NAVY RESERVE

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, NAVY RESERVE	773,800		775,800		782,800		772,706
Craft of Opportunity Program		2,000				2,000	
Military Personnel Strength				8,000		8,000	
Raise O&M Purchase Threshold				1,000		0	
Base Closure Savings						(4,000)	
Fuel Price Savings						(7,094)	
TOTAL		2,000		9,000		(1,094)	

O&M, MARINE CORPS RESERVE

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, MARINE CORPS RESERVE	75,100		75,050		83,100		82,950
DBOF Base Support Test Adjustment		(50)				(50)	
Military Personnel Strength				7,900		7,900	
Raise O&M Purchase Threshold				100		0	
TOTAL		(50)		8,000		7,850	

O&M, AIR FORCE RESERVE

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR FORCE RESERVE	1,354,578		1,354,578		1,356,078		1,346,292
Raise O&M Purchase Threshold				1,500		0	
Fuel Price Savings						(8,286)	
TOTAL		0		1,500		(8,286)	

O&M, ARMY NATIONAL GUARD

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ARMY NATIONAL GUARD	2,218,900		2,223,255		2,216,944		2,216,544
DBOF Base Support Test Adjustment		4,355		(4,356)		(4,356)	
NG Medical Pilot Program				2,000		2,000	
Raise O&M Purchase Threshold				400		0	
TOTAL		4,355		(1,956)		(2,356)	

O&M, AIR NATIONAL GUARD

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR NATIONAL GUARD	2,657,233		2,665,233		2,717,733		2,639,204
Classified Programs		8,000				0	
NG Medical Pilot Program				2,000		2,000	
Raise O&M Purchase Threshold				2,500		0	
Transfer TAC Airlift				56,000		0	
Fuel Price Savings						(20,029)	
TOTAL		8,000		60,500		(18,029)	

O&M, RIFLE PRACTICE, ARMY

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, RIFLE PRACTICE, ARMY	2,483	0	2,483	0	2,483	0	2,483
TOTAL		0		0		0	

O&M, INSPECTOR GENERAL

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, INSPECTOR GENERAL	126,801		169,001		127,001		161,001
Increase		42,200				34,200	
Raise O&M Purchase Threshold				200		0	
TOTAL		42,200		200		34,200	

O&M, U.S. COURT OF MILITARY APPEALS

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, U.S. COURT OF MILITARY APPEALS	6,055		5,610		6,055		6,055
Travel, Per Diem, and Administration		(445)		0		0	
TOTAL		(445)		0		0	

O&M, ENVIRONMENTAL RESTORATION

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ENVIRONMENTAL RESTORATION	2,309,400		2,309,400		2,369,400		1,962,400
DERA		0		60,000		(347,000)	
TOTAL		0		60,000		(347,000)	

O&M, DRUG INTERDICTION

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DRUG INTERDICTION	1,168,200		1,109,439		1,168,200		868,200
Classified Programs		(89,100)					
Programmatic Deficiencies		(30,000)					
Project 9499 Support to Law Enforcement		35,500					
Classified Programs		24,839					
Program Decreases						(300,000)	
TOTAL		(58,761)		0		(300,000)	

O&M, DEFENSE HEALTH PROGRAM

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DEFENSE HEALTH PROGRAM	9,353,300		9,379,447		9,303,447		9,379,447
DBOF Base Support Test Adjustment		(49,853)		(49,853)		(49,853)	
Laboratory Technology Demonstration		1,000				1,000	
Pharmaceutical Benefit Program		75,000				75,000	
TOTAL		26,147		(49,853)		26,147	

O&M, FORMER SOVIET UNION THREAT REDUCTION (TITLE XII)

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, FORMER SOVIET UNION THREAT REDUCTION (TITLE XII)	400,000	0	400,000	0	400,000	0	400,000
TOTAL		0		0		0	

O&M, VIDEOTAPING OF INTERROGATIONS

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, VIDEOTAPING OF INTERROGATIONS	0		2,500		0		0
Increase		2,500					
TOTAL		2,500		0		0	

69–059 O—97 Vol. 139 (Pt. 20) 18

O&M, GLOBAL COOPERATIVE INITIATIVES

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, GLOBAL COOPERATIVE INITIATIVES	448,000		0		0		0
Reduction		(448,000)		(448,000)		(448,000)	
TOTAL		(448,000)		(448,000)		(448,000)	

O&M, CONTINGENCY FUNDING STRUCTURE

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, CONTINGENCY FUND. STRUCTURE	0		10,000		0		0
Increase		10,000		0		0	
TOTAL		10,000		0		0	

O&M, SUMMER OLYMPICS

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, SUMMER OLYMPICS		0	0		2,000		2,000
International Athletic Events				2,000		2,000	
TOTAL			0	2,000		2,000	

O&M, WORLD CUP USA

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, WORLD CUP USA		0	0		12,000		12,000
International Athletic Events				12,000		12,000	
TOTAL		0		12,000		12,000	

O&M, HUMANITARIAN AID

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, HUMANITARIAN AID	0		58,000		48,000		48,000
Increase		58,000		48,000		48,000	
TOTAL		58,000		48,000		48,000	

WORKING CAPITAL FUNDS

($ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
DEFENSE BUSINESS OPERATIONS FUND	1,161,095		1,091,095		1,161,095		1,116,095
Defense Commissary Agency		(70,000)				(45,000)	
TOTAL		(70,000)		0		(45,000)	
NATIONAL DEFENSE STOCKPILE	0		0		67,300		67,300
Increase				67,300		67,300	
TOTAL		0		67,300		67,300	
NATIONAL DEFENSE SEALIFT FUND	290,800		290,800		2,669,100		290,800
Increase				2,378,300			
TOTAL		0		2,378,300			
NATIONAL SECURITY EDUC. TRUST FUND	24,000		24,000		24,000		24,000
TOTAL		0		0		0	
TOTAL WORKING CAPITAL FUNDS	1,475,895		1,405,895		3,921,495		1,498,195

ITEMS OF SPECIAL INTEREST

Reprogramming to meet training and readiness requirements

The conferees reluctantly made reductions of approximately $2.0 billion to the budget request for the operations and maintenance (O&M) accounts in order to meet the Budget Resolution's outlay target. This level of reductions brings the authorization for O&M funding in the conference agreement below the levels of both the House bill and the Senate amendment. The conferees encourage the Secretary of Defense to reprogram funds from other areas of the DOD budget to the O&M accounts if these reductions affect training or readiness in the military services.

Test program for Reserve professional military education

The National Defense Authorization Act for Fiscal Year 1993 required the Secretary of the Army to submit a plan for carrying out a test program to improve professional military education (PME) for reserve component officers of the Army. The conferees are very pleased with the reserve PME test plan the Secretary of the Army submitted and have authorized $1.2 million to implement this plan.

Morale, welfare, and recreation programs at Great Lakes Naval Training Center, Illinois

The Senate report (S. Rept. 103-112) directed the Navy to prepare a plan for the utilization of morale, welfare, and recreation facilities to support Great Lakes Naval Training Center, Illinois.

The House report (H. Rept. 103-200) contained no similar directive.

The conferees share concerns similar to those expressed in the Senate report for military families and personnel. The conferees concur with the request that the Navy devise a plan to address the needs of these personnel.

Portability of benefits for nonappropriated fund employees

The Senate report (S. Rept. 103-112) directed the Secretary of Defense to report on the Department of Defense plans to extend the portability of benefits for nonappropriated fund employees.

The House report (H. Rept. 103-200) contained no similar directive.

The conferees share the concerns expressed in the Senate report about these affected employees. Additionally, the conferees concur that the portability legislation should be expanded to include employees who transfer between other executive branch agencies and branches of government, especially in cases where duties are comparable to those performed in their status as nonappropriated fund employees. Further, the conferees agree that disparities in health programs for nonappropriated fund employees should be reviewed. The conferees concur with the date and purpose of the report, and request that it be submitted to the Armed Services Committees of the Senate and House of Representatives.

Joint commissary and exchange demonstration program

The Senate report (S. Rept. 103-112) directed the Department of Defense to conduct demonstration programs similar to the joint commissary and exchange demonstration program at Carswell Air Force Base, Texas.

The House report contained no similar directive.

The conferees agree that the demonstration programs are an important attempt to meet the needs of the active duty, retired, and reserve community. The conferees also agree not to designate demonstration program sites, and direct the Secretary of Defense to nominate two demonstration sites by April 15, 1994, in addition to the three sites allowed in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Armed forces retirement homes (sec. 303)

The House bill contained a provision (sec. 303) that would authorize $61.9 million for the operation of the Armed Forces Retirement Homes in fiscal year 1994.

The Senate amendment contained a similar provision (sec. 304).

The House recedes.

National security education trust fund obligations (sec. 304)

The Senate amendment contained a provision (sec. 305) that would authorize $24.0 million to be obligated from the National Security Education Trust Fund in fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Transfer from the National Defense Stockpile Transaction Fund (sec. 305)

The House bill contained a provision (sec. 304) that would authorize the Secretary of Defense to transfer not more than $500.0 million from the National Defense Stockpile Transaction Fund to the operation and maintenance (O&M) accounts during fiscal year 1994.

The Senate amendment contained a provision (sec. 306) that would authorize the Secretary of Defense to transfer $3,055.0 million from the Defense Business Operations Fund (DBOF) and $500.0 million from the National Defense Stockpile Transaction Fund to the O&M accounts during fiscal year 1994.

The House recedes with an amendment that would authorize the Secretary of Defense to transfer $500.0 million from the National Defense Stockpile Transaction Fund to the O&M accounts during fiscal year 1994. The conferees agree not to authorize the transfer of any funds from the Defense Business Operations Fund to the O&M accounts during fiscal year 1994.

Funds for clearing landmines (sec. 306)

The Senate amendment contained a provision (sec. 307) that would authorize not more than $10.0 million for activities to support the clearing of landmines for humanitarian purposes.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit a report to the congressional defense committees on the Secretary's plans for using the authority provided by the provision.

Prohibition on operation of the Naval Air Station, Bermuda (sec. 311)

The House bill contained a provision (sec. 313) that would prohibit the Secretary of Defense from providing any funds for the operation and maintenance of the Naval Air Station, Bermuda, effective 90 days after enactment of this act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would terminate DOD funding to operate the Naval Air Station, Bermuda, after September 1, 1995. Under this provision, not later than March 1, 1994, the Secretary of Defense shall submit a report to the Congress with a plan to terminate the operation of the Naval Air Station. After September 1, 1995, the Secretary of Defense may provide support for airfield operations at the Naval Air Station only on a reimbursable basis. The conferees believe that this provision will allow the withdrawal of the Navy from the Naval Air Station in an orderly manner, consistent with our long-standing relationship with a valuable ally.

Limitation on the use of appropriated funds for Department of Defense golf courses (sec. 312)

The House bill included a provision (sec. 314) that would limit the use of appropriated funds for Department of Defense golf courses.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on the use of certain cost comparison studies (sec. 313)

The House bill contained a provision (sec. 315) that would prohibit the Secretary of Defense from entering into a contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted under OMB-Circular A-76.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the Secretary of Defense from entering into a contract prior to April 1, 1994, for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted under OMB-Circular A-76.

Limitation on contracts with certain ship repair companies for ship repair (sec. 314)

The House bill contained a provision (sec. 320) that would prohibit the Secretary of Defense from entering into a contract with the Bahrain Ship Repairing and Engineering Company for the overhaul, repair, or maintenance of naval vessels until the Secretary certified that at least one of three conditions existed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) change the Secretary of Defense to the Secretary of the Navy; (2) limit the prohibition to contracts in excess of $250,000; (3) clarify that one of the conditions refers to voyage repairs; and (4) describe the ship repair company in general terms.

Requirement of performance in the United States of certain reflagging or repair work (sec. 315)

The House bill contained a provision (sec. 321) that would prohibit the Secretary of Defense from entering into a time charter agreement for the use of certain foreign flag vessels. The provision would preclude the Secretary from chartering a vessel that had been reflagged or repaired in a foreign shipyard within the period beginning two years prior to the date of any such agreement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that reflagging and repair work done for vessels being offered for time charter, in response to a request for proposals, be performed in the United States. The amendment also would allow the Secretary of Defense to waive this requirement if the Secretary determines that such action would be critical for national security.

Prohibition on joint use of Selfridge Air National Guard Base, Michigan, with civil aviation (sec. 316)

The House bill contained a provision (sec. 323) that would prohibit the Secretary of the Air Force from entering into any agreements that would provide or permit civil aircraft to regularly use Selfridge Air National Guard Base, Michigan.

The Senate amendment contained no similar provision.

The Senate recedes.

Location of certain prepositioning facilities (sec. 317)

The House bill contained a provision (sec. 316) that would direct the Secretary of the Army to establish the Army prepositioning maintenance facility at Charleston, South Carolina. The provision also would require the Marine Corps to keep its prepositioning facility at Blount Island, Florida for the next two years. Finally, the provision would require the Secretary of Defense to submit a cost and operational analysis justifying any decision to relocate the Marine Corps facility before undertaking such relocation.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority for use of the Defense Business Operations Fund (sec. 331)

The House bill contained a provision (sec. 331) that would preclude the Secretary of Defense from operating the Defense Business Operations Fund (DBOF) after April 15, 1994.

The Senate amendment contained a provision (sec. 311) that would amend section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 to authorize the Secretary of Defense to manage the working capital funds and industrial, commercial, and support activities of DOD through the DBOF through December 31, 1994.

The House recedes. The conferees note that, under the conference agreement, the Secretary of Defense is precluded from adding new programs or activities to the DBOF.

The conferees remain concerned about the significant and continuing problems in the implementation of the DBOF. The conferees expect the senior leadership of the Department of Defense to move vigorously and aggressively to address these problems in the coming months.

The conferees have denied the proposed transfer of $3.1 billion from the DBOF to the operation and maintenance accounts included in the fiscal year 1994 budget request, and have authorized $3.1 billion in new budget authority in place of the transfer. To the extent that the cash balance in the DBOF exceeds the operating requirements of the Fund during fiscal year 1994, these funds should be transferred to address shortfalls in training and readiness programs; unfinanced requirements such as the fiscal year 1994 locality pay raise for federal civilian employees; and the reversal of the current DBOF advance billing procedures. The conferees note that the transfer of cash balances out of the DBOF can only be accomplished through reprogramming procedures, unless otherwise provided by law.

Implementation of the Defense Business Operations Fund (sec. 332)

The House bill contained a provision (sec. 333) that would require the Secretary of Defense to replace the Defense Business Operations Fund (DBOF) with a Competitive Business Operations Fund and a Regulated Business Operations Fund.

The Senate amendment contained a provision (sec. 312) that would revise the DBOF implementation milestones contained in section 341 of the National Defense Authorization Act for Fiscal Year 1993. The provision would require the Secretary of Defense to present to the congressional defense committees, not later than 30 days after the enactment of this act, a comprehensive management plan for the DBOF that identifies the actions the Department will take to improve its implementation and operation. In addition, the provision would require the Secretary of Defense to submit a report to the congressional defense committees on the Department's progress in implementing the comprehensive management plan not later than February 1, 1994. This report should describe the progress made in reaching the milestones established in the plan, and explain the failure to meet any of the milestones. Section 312 also would require the Comptroller General of the United States to monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan for the DBOF. The Comptroller General would be required to submit a report to the congressional defense committees not later than March 1, 1994, containing: (1) the findings and conclusions of the Comptroller General pursuant to the monitoring and evaluation of the DOD comprehensive management plan for the DBOF; (2) an evaluation of the March 1, 1994 progress report of the Secretary of Defense; and (3) any recommendations for legislative or administrative actions that the Comptroller General considers appropriate.

The House recedes with an amendment. The conferees intend to exercise close oversight of the Department's efforts to improve the DBOF in the coming months. The conferees further request the Comptroller General to carry out reviews of two specific areas of the DBOF, and report the results of these reviews to the congressional defense committees by May 15, 1994.

The first area is the rate-setting process within the business activities included in the DBOF. All businesses in the DBOF are required to set their prices based on the full recovery of costs. The conferees request the General Accounting Office (GAO) to review the rate-setting process within DBOF to determine if the rates for the various business areas are in fact based on the full recovery of costs, and to make recommendations to address any deficiencies found in the current rate-setting process.

The second area is the execution of projects funded through the DBOF capital budget. Currently, investments in equipment, software, minor construction, and other management improvements costing more than $15,000 are funded through the DBOF capital budget. The conferees request the GAO to review the execution of the projects funded through the capital budget to date. This review should include a comparison of the justification of capital projects presented to Congress and the actual execution of these projects.

The conferees are also concerned with the level and nature of prior year losses that occur within certain DBOF business activities, particularly the causes of these losses and their impact on the establishment of rates.

Beginning with the fiscal year 1995 budget request, the Secretary of Defense should include in the annual DBOF budget documents a clear explanation of the variance between the business plan and actual operating results for each business activity within the DBOF that experiences a gain or loss during the previous fiscal year. This explanation should include the cause of the gain or loss; remedies taken to address the gain or loss; and actions taken to avoid a similar gain or loss in the future. In each business activity where there is a gain or loss, the Secretary of Defense should indicate the extent to which the gain or loss will be offset by the adjustment of the rates for that business activity in the coming fiscal year. The DBOF budget documents should also include a separate exhibit of business activities experiencing significant gains or losses which will have a major impact on rates or operations in subsequent years.

The conferees reiterate to the Department that the DBOF budget documents must be submitted to Congress in a timely manner as soon as possible after submission of the President's budget request, but in any case not later than March 15 of each year.

Charges for goods and services provided through the Defense Business Operations Fund (sec. 333)

The House bill contained a provision (sec. 332) that would establish a rate-setting board to review the rates established for goods and services provided through the various business activities of the Defense Business Operations Fund (DBOF).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would outline certain costs that should be included and excluded in the charges for goods and services provided through the DBOF. The conferees agree that the Defense Finance and Accounting Service and the Joint Logistics Services Center should continue to be included within the DBOF. The conference agreement also would make certain technical changes to the capital asset subaccount within the DBOF created by section 342 of the National Defense Authorization Act for Fiscal Year 1993.

Limitation on obligations against the Defense Business Operations Fund (sec. 334)

The House bill contained a provision (sec. 334) that would prohibit the Secretary of Defense from incurring obligations against the Defense Business Operations Fund (DBOF) during fiscal year 1994, except for obligations in certain categories of costs, in excess of 65 percent of sales from the DBOF during the fiscal year. This provision would allow the Secretary of Defense to waive this limitation under certain conditions.

The Senate amendment contained no similar provision (sec. 313).

The House recedes with a clarifying amendment.

Department of Defense depot task force (sec. 341)

The House bill contained a provision (sec. 341) that would establish a Department of Defense depot task force that would report to the Congress on several issues relating to depot level maintenance activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the scope of the assessment to be carried out by the depot task force and the task force membership.

Limitation on consolidation of management of depot-level maintenance workload (sec. 342)

The House bill contained a provision (sec. 342) that would prohibit the Secretary of Defense from consolidating the management of the Department's depot-level workload under a single defense-wide entity.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the effect of this provision to fiscal year 1994.

Continuation of certain percentage limitations on the performance of depot-level maintenance (sec. 343)

The House bill contained a provision (sec. 343) that would require the Secretary of Defense to ensure the Department's adherence to the percentage limitations on the performance of depot-level maintenance of material set forth in section 2466 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Sense of Congress on the performance of certain depot-level work by foreign contractors (sec. 344)

The House bill contained a provision (sec. 344) that would prohibit the performance of depot-level maintenance workload by foreign contractors if the Secretary of Defense determines that the work could be performed in the United States on a cost-effective basis and without a significant adverse effect on the readiness of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Secretary of Defense should not contract for the performance of any depot-level maintenance, on equipment located in the United States, with a person or organization not part of the national technology and industrial base (as defined in section 2491(1) of title 10, United States Code), if the Secretary determines that the work could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the armed forces.

Sense of Congress on the role of depot-level activities of the Department of Defense (sec. 345)

The House bill contained a provision (sec. 345) that would require that, within five years after the initial delivery of a weapon system, not less than 60 percent of the depot-level maintenance of that system must be performed by DOD employees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make a series of findings and express the sense of Congress that the Secretary of Defense should ensure that a sufficient amount of the depot-level maintenance of new weapons systems and equipment is assigned to Department of Defense depots, consistent with the requirements of section 2466 of title 10, United States Code.

Contracts to perform workloads previously performed by depot-level activities of the Department of Defense (sec. 346)

The Senate amendment contained a provision (sec. 335) that would modify section 2469 of title 10, United States Code, as enacted by section 353 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), to clarify that neither the Secretary of Defense nor the secretary of a military department may change the performance of a depot-level maintenance workload, that has a value of $3.0 million or more and that is being performed by a Department of Defense depot-level activity, to performance by a private contractor unless, prior to selection of the private contractor, the Secretary uses competitive procedures for the selection.

The House bill contained no similar provision.

The House recedes. The conferees concur with the Senate report's (S. Rept. 103-112) direction that the Secretary of Defense should, to the maximum extent possible, compete the depot maintenance workload from those depots that are closing among the remaining DOD depots in order to reduce costs and improve the overall efficiency of DOD depot operations. Such competition between depots should not impede the schedule for closing depots under the base closure process.

Authority to waive certain claims of the United States (sec. 347)

The House bill contained a provision (sec. 347) that would waive claims of the United States against certain government employees who received bonus awards under a productivity gainsharing program at the Naval Aviation Depot, Norfolk, Virginia.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the House provision to include employees who received similar bonus awards at other naval aviation depots. The amendment also would require the Secretary of the Navy to submit a report to the congressional defense committees not later than March 1, 1994, describing how these employees were given bonus payments under their respective productivity gainsharing programs that were subsequently determined to be in excess of the amounts to which they were entitled; the number of employees receiving such excess payments and the total amount of excess payments; and any corrective actions taken to prevent the recurrence of this problem in the future.

Prohibition on operation of commissary stores by active duty members of the armed forces (sec. 351)

The House bill included a provision (sec. 352) that would prohibit the operation of commissary stores by active duty members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Modernization of automated data processing capability of the Defense Commissary Agency (sec. 352)

The House bill contained a provision (sec. 353) concerning the modernization of the automated data processing capability of the Defense Commissary Agency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to take any action, consistent with other applicable law, necessary to expedite the modernization of the automated data processing capability of the Agency, including the use of commercial grocery industry practices and financial management programs.

Operation of Stars and Stripes bookstores overseas by the military exchanges (sec. 353)

The House bill contained a provision (sec. 354) concerning the operation of Stars and Stripes bookstores by the military exchanges.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay the effective date until October 1, 1994. The conferees recommend that newspapers be funded with adequate appropriated funds similar to that of the radio and television service, and from the sale of newspapers and advertising revenues, which the conferees recommend remain with the newspapers.

Availability of funds for relocation expenses of the Navy Exchange Service Command (sec. 354)

The House bill contained a provision (sec. 355) concerning the availability and amount of funds for the relocation expenses of the Navy Exchange Command (Nexcom).

The Senate contained no similar provision.

The Senate recedes with an amendment that would authorize $10.0 million for relocation expenses or the actual cost of the relocation if less than $10.0 million.

Emergency and extraordinary expense authority for the Inspector General of the Department of Defense (sec. 361)

The House bill contained a provision (sec. 361) that would authorize the DOD Inspector General to use emergency and extraordinary expense authority up to a maximum of $400,000 per fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority for civilian Army employees to act on reports of survey (sec. 362)

The House bill contained a provision (sec. 362) that would authorize the use of civilian personnel to act on reports of survey within the Department of the Army.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of guidelines for reductions in civilian positions (sec. 363)

The House bill contained a provision (sec. 363) that would establish in permanent law the guidelines for DOD to report to Congress on the DOD civilian employment master plan. This plan has been required on an annual basis for the last two years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the master plan to include the total number of individuals employed by contractors and subcontractors to perform, under a DOD contract or subcontract, commercial activities as specified under OMB Circular A-76.

Authority to extend mailing privileges (sec. 364)

The House bill contained a provision (sec. 364) that would extend the same mailing privileges to civilian employees that are available to military members assigned overseas during periods of conflict.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension and modification of pilot program to use National Guard personnel in medically underserved communities (sec. 365)

The House bill contained a provision (sec. 365) that would clarify section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) relating to the pilot program for the use of National Guard personnel in medically underserved communities. The provision also would extend the authority to operate this pilot program through fiscal year 1995.

The Senate amendment contained a similar provision (sec. 337), but it would not extend the authority to operate the program through fiscal year 1995.

The Senate recedes with a clarifying amendment.

Amendments to the Armed Forces Retirement Home Act of 1991 (sec. 366)

The House bill contained a provision (sec. 366) that would make several amendments to the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510).

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Modification of restriction on repair of certain vessels the homeport of which is planned for reassignment (sec. 367)

The House bill contained a provision (sec. 369) that would modify the current restriction on the overhaul of vessels homeported overseas to require that repair work on vessles scheduled to be reassigned to overseas homeports be done in U.S. shipyards.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Escorts and flags for civilian employees who die while serving in an armed conflict with the Armed Forces (sec. 368)

The House bill contained a provision (sec. 370) that would authorize escorts and the presentation of flags for civilian employees who died while serving with the Armed Forces in an armed conflict.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Maintenance of Pacific battle monuments (sec. 369)

The House bill contained a provision (sec. 371) that would authorize the Commandant of the Marine Corps to provide necessary maintenance and repairs to Pacific battle monuments.

The Senate amendment contained a similar provision (sec. 332).

The Senate recedes with a technical amendment.

One-year extension of certain programs (sec. 370)

The House bill contained a provision (sec. 374) that would extend three existing provisions in law for one additional year. The first provision is the authority for a demonstration project to use the proceeds from the sales of certain property; the second is the authority for aviation depots and shipyards to engage in defense-related production and services; and the third is the authority of base commanders over contracting for commercial activities.

The Senate amendment contained no similar provision.

The Senate recedes.

Ships stores (sec. 371)

The House bill contained a provision (sec. 375) concerning the transfer of all ships' stores from operation as an activity funded by direct appropriations to operation by the Navy Exchange Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the effective date of transfer to October 1, 1994.

Promotion of civilian marksmanship (sec. 372)

The Senate amendment contained a provision (sec. 336) that would clarify section 4308(c) of title 10, United States Code, to permit certain funds, generated through the sales of arms, ammunition, and other items under the Army's Civilian Marksmanship Program, to remain available for obligation until expended.

The House bill contained no similar provision.

The House recedes.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 373)

The Senate amendment contained a provision (sec. 338) that would authorize $58.0 million in fiscal year 1994 for payments to local school districts which are impacted by military dependents.

The House bill contained no similar amendment.

The House recedes.

Budget information on Department of Defense recruiting expenditures (sec. 374)

The Senate amendment contained a provision (sec. 340) that would require the Secretary of Defense to include certain information on recruiting expenditures in the budget justification documents submitted to Congress each year with the submission of the federal budget.

The House bill contained no similar amendment.

The House recedes.

Revision of authorities of National Security Education Trust Fund (sec. 375)

The Senate amendment contained a provision (sec. 341) that would permit the National Security Education Trust Fund to receive gifts to augment the principal in the Fund, and repeal the requirement for a specific authorization for future obligations from the Fund.

The House bill contained no similar amendment.

The House recedes.

The conferees fully support the continued existence and operation of the National Security Education Trust Fund. The conferees do not agree that the Trust Fund principal should be reduced. The conferees note that the Administration has assigned the Secretary of Defense management of this program who, in turn, has delegated responsibility to the Under Secretary of Defense for Policy. This action was taken in recognition of the fact that this program serves a wide variety of national security needs and not just intelligence. The Office of Management and Budget also has scored this program as a defense function. The Secretary of Defense has expressed strong support for the program.

Annual assessment of force readiness (sec. 376)

The Senate amendment contained a provision (sec. 329) that would direct the Chairman of the Joint Chiefs of Staff to provide the Congress with an annual assessment of the readiness and capability of U.S. military forces by March 1 each year for the next three years.

The House bill contained no similar amendment.

The House recedes.

Reports on transfers of certain funds (sec. 377)

The House bill contained a provision (sec. 311) that would prohibit the Secretary of Defense from transferring funds from air operations, ship operations, land forces, and combat operations accounts to any other account prior to notifying Congress.

The Senate amendment contained no similar amendment.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to the congressional defense committees twice each year during fiscal years 1994, 1995, and 1996 on any transfer of funds out of the operating forces budget activity in the operation and maintenance accounts.

Report on replacement sites for Army Reserve facility in Marcus Hook, Pennsylvania (sec. 378)

The House bill contained a provision (sec. 319) that would prohibit the obligation of funds for the upgrade, repair, or other construction at the Army Reserve Facility in Marcus Hook, Pennsylvania, until 30 days after the Secretary of the Army submits a report evaluating the suitability of alternative sites to replace that facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree to require the Secretary of the Army to submit the report not later than March 1, 1994. The conferees also agree not to restrict the use of any funds to operate or maintain the Marcus Hook Army facility pending completion of this report.

LEGISLATIVE PROVISIONS NOT ADOPTED

Extension of limitation on the use of certain funds for Pentagon reservation

The House bill contained a provision (sec. 312) that would preclude the use of operation and maintenance funds for the renovation of the Pentagon.

The Senate amendment contained no similar provision.

The House recedes.

Use of funds for Navy depot backlog

The House bill contained a provision (sec. 317) that would direct the Secretary of the Navy to use additional funds provided for the reduction of depot-level maintenance backlogs only for that purpose.

The Senate amendment contained no similar provision.

The House recedes.

One-year prohibition on reduction of force structure for reserve component special operations forces

The House bill contained a provision (sec. 322) that would prohibit the Secretary of Defense, during fiscal year 1994, from reducing the force structure of special operations reserve components below their force structure as of September 30, 1993.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on use of government facilities for certain master ship repair agreements

The House bill contained a provision (sec. 324) that would restrict awarding contracts for ship repair activities. Only those contractors holding a master ship repair agreement would be eligible to include use of government-owned facilities in bidding for ship repair work.

The Senate amendment contained no similar provision.

The House recedes.

Modification of limitation on the performance of depot-level maintenance of materiel

The House bill contained a provision (sec. 345) that would amend section 2466 of title 10, United States Code, and extend the percentage limitations on depot maintenance workload to be carried out in government depots to commodity groups.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on use of funds for Trident submarine force

The House bill contained a provision (sec. 318) that would reduce the amount requested for operation and support of the Trident submarine program by $100 million.

The Senate amendment contained no similar provision.

The House recedes.

Expansion and clarification of commissary and exchange benefits

The House bill included a provision (sec. 351) concerning the expansion and clarification of commissary and exchange benefits.

The Senate amendment contained no similar provision.

The House recedes.

Required payment date under Prompt Payment Act for procurement of baked goods

The House bill contained a provision (sec. 367) that would require prompt payment for procurement of baked goods in the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Prompt Payment Act (31 U.S.C. 3901, et seq.) establishes the policy that timely performance of a government contract in accordance with its terms and conditions entitles the contractor to timely payment. Payment terms specified in government contracts, including those of the Department of Defense, are expected to reflect the payment terms prevailing in the commercial marketplace.

The conferees direct the Director of the Defense Commissary Agency (DeCA) to determine the prevailing commercial payment terms for bakery products purchased by the DeCA pursuant to 10 U.S.C. 2486(b)(6). The conferees direct the Director to consult with the American Bakers Association and other appropriate trade associations representing producers and vendors of bakery products with respect to the design and content of the survey.

Based upon the survey results, the DeCA Director shall prepare a report which includes: (a) the survey results; (b) the survey methodology, including a copy of the survey instrument; and (c) a determination of the prevailing commercial payment terms for bakery products or an explanation why such a determination cannot be made. The report shall be furnished to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives by May 1, 1994.

The conferees expect the DeCA to adopt the commercial payment terms as its contractual payment terms for bakery products as soon as practicable after June 30, 1994, but not later than October 1, 1994, unless the DeCA Director finds, as a result of the survey, that there is no prevailing payment terms for bakery products.

To maintain uniform implementation of the Prompt Payment Act on a government-wide basis, the conferees urge the Secretary of Defense to propose to the Director of the Office of Management and Budget an appropriate amendment to OMB Circular A-125 (Prompt Payment) and initiate a regulatory action to effect a corresponding amendment to the government-wide Federal Acquisition Regulation.

Provision of facilities and services of the Department of Defense to certain education entities

The House bill contained a provision (sec. 368) that would authorize the Secretary of Defense to make DOD facilities and the services of members of the armed forces and DOD civilian employees available to four educational entities on a reimbursable or nonreimbursable basis.

The Senate amendment contained no similar provision.

The House recedes. The conferees urge the military services and local unit commanders to work with educational entities, like those mentioned in the House provision, to further the entities' goals where such assistance does not detract from the overall performance of the unit's military mission. These efforts should be carried out under Department of Defense Directive 5410.18, entitled "Community Relations", as well as under the appropriate implementing directives of the military departments.

Exclusive use of aircraft carrier for full-time training

The House bill contained a provision (sec. 372) that would express the sense of Congress that the Navy's aviation training requirements can be adequately achieved in a safe and cost-effective manner only if an aircraft carrier is used exclusively and on a full-time basis to meet such requirements. This provision would also require the Secretary of the Navy to use the U.S.S. *Forrestal* or another aircraft carrier exclusively and on a full-time basis to meet the aviation training requirements of the Navy.

The Senate amendment contained no similar provision.

The House recedes. The conferees understand that the Department of Defense has decided to designate the U.S.S. *John F. Kennedy* as a reserve/training carrier. The conferees endorse the Navy's strong concern that the Navy's aviation training requirements should be carried out in a safe and cost-effective manner. The conferees recognize the value in operating the carrier designated to perform the aviation training mission in an established homeport where this training has been conducted for more than three decades. The Naval Air Station, Pensacola, is the historical birthplace of Naval aviation and has a long-established training mission. Therefore, the conferees recommend that the aviation training facilities located at the Naval Air Station utilized to the maximum extent possible. The conferees urge the Secretary of the Navy to consider stationing the U.S.S. *John F. Kennedy* at the Naval Air Station, Pensacola upon its return to service from its present overhaul.

Report on educational arrangements for children residing on military installations in the United States

The House bill contained a provision (sec. 373) that would require the Secretary of Defense to submit to Congress a report on educational arrangements the Secretary of Defense has made for children residing on military installations in the United States. The report would contain the Secretary's assessment and recommendations regarding the justification of the continuing need for section 6 school facilities. The report also would review the adequacy of Department of Education Impact Aid funding for military-impacted school districts.

The House report (H. Rept. 103-200) also directed the Secretary of Defense to report on several issues concerning the education of military dependents by the Department of Defense, and directed the General Accounting Office to review the Department of Defense Dependents School System.

The Senate amendment contained no similar provision.

The House recedes. The conferees agree not to require the Secretary of Defense to report on this area. However, the conferees direct the General Accounting Office to review the arrangements for educating Department of Defense military dependents, as outlined in the House report. Until this review is completed, the conferees are not prepared to make any changes in the current arrangements for educating military dependents.

Funding national defense strategic lift requirements

The National Defense Authorization Act for Fiscal Year 1993 created the National Defense Sealift Fund. The Department of Defense had requested this initiative to help it manage the trade-offs it will face as the recommendations of the mobility requirements study (MRS) are implemented. The Senate amendment included a provision (sec. 303) that would consolidate funding and management of strategic airlift and strategic sealift in a strategic lift fund. The Senate report (S. Rept. 103-120) stated that having these funds in one account would permit the Department to choose more easily among the lift improvement options, including buying or modifying aircraft (for example, C-17s, commercial freighter aircraft, and C-141 service life extensions), or accelerating the timetable for meeting sealift requirements.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that a decision to change the strategic sealift and airlift programs' management structure should not be made at this time. The conferees believe that the Department should have more time to make additional improvements in executing both programs.

Repeal of an exception to a limitation on the performance of depot-level maintenance of materiel

The Senate amendment contained a provision (sec. 331) that would delete the requirement, in section 2466 of title 10, United States Code, that specific percentages of the Army's aviation depot-level workload be performed by DOD employees during fiscal years 1993-1995.

The House bill contained no similar provision.

The Senate recedes.

Purchase of items not exceeding $100,000

The Senate amendment contained a provision (sec. 333) that would authorize the Secretary of Defense to increase the threshold on purchase made with operation and maintenance funds from $15,000 to $100,000.

The House bill contained no similar provision.

The Senate recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

End strengths for active forces (secs. 401, 403, and 404)

The House bill contained a provision (sec. 401) that would authorize the active duty end strengths for each of the military services in the budget request.

The Senate amendment contained a similar provision (sec. 401) except for the active duty end strengths authorized for the Marine Corps and Air Force, and the separate authorization of officer strength levels.

The House recedes with an amendment.

The amendment would: (1) adopt the Senate provision's strength levels for the Marine Corps and the House provision's levels for the Air Force; (2) provide that the active duty strength of the Army may not be reduced below 555,000 before April 30, 1994, and thereafter only if the Secretarh of Defense submits a report on the Bottom-Up Review and the President certifies to the Committees on Armed Services of the Senate and House of Representatives the adequacy of Army forces to carry out the missions assigned to them under the Bottom-Up Review

scenario and, at the same time, fulfill assigned peacekeeping and humanitarian missions; (3) provide that the active duty strength of the Army may not be reduced below 540,000 in fiscal year 1994; and (4) require the Secretary of Defense to submit a report on the personnel management actions programmed to be carried out in order to reach the military force strength levels assumed as of the end of fiscal year 1999 in the Bottom-Up Review for all the services.

The conferees are concerned about the future end strength of the Army and the Army's ability to support the spectrum of contingency operations upon which the Bottom-Up Review was premised. The Defense Department has not made public the number of active duty personnel who will eventually make up the post-Cold War Army. In the absence of that and related information, the conferees are not convinced that the end strength of the Army can be reduced below the levels authorized for fiscal year 1994 if the Army is to continue its various peacekeeping missions and maintain its capability to respond to two major regional contingencies hearly simultaneously. The conferees expect the Department of Defense to address this matter analytically to ensure that the Army can successfully executive the missions assigned to it under the Bottom-Up Review scenario as well as its peacekeeping and humanitarian missions.

The conferees expect the Department of Defense to maintain an active duty end strength for the Marine Corps in fiscal year 1994 of 177,000 as authorized. This level is consistent with Marine Corps force structure analysis and testimony provided to the Committee on Armed Services of the Senate and House of Representatives which indicate that this is the appropriate level for the Marine Corps to sustain its operational commitments without placing undue strain on Marine Corps personnel and their families.

The conferees expect the Committees on Armed Services of the Senate and House of Representatives to carefully review subsequent authorization requests and future year defense programs of the military services to ensure that active and reserve forces and strength levels adequately support all of the missions assigned to them under the Bottom-Up Review plan. In this regard, the Department of Defense should be prepared to present detailed justification in hearings next year for the forces and strength levels that it recommends. The conferees would be reluctant to approve further reductions in the absence of such justification.

The following table summarizes the conference agreement with respect to active duty end strengths:

ACTIVE DUTY END STRENGTHS

[By fiscal year]

	1993 authorization	1994 request	1994 recommendation
ARMY			
Total	598,900	540,000	540,000
Officer	88,855		84,414
NAVY			
Total	535,800	480,800	480,800
Officer	67,455		62,747
MARINE CORPS			
Total	181,900	174,100	177,000
Officer	18,440		17,851
AIR FORCE			
Total	449,900	425,700	425,700
Officer	84,970		80,876
Total.			
Total	1,766,500	1,620,600	1,623,500
Officer	259,720		245,888

Temporary variation of end strength limitations for Marine Corps majors and lieutenant colonels (sec. 402)

The Senate amendment contained a provision (sec. 402) that would authorize the Secretary of the Navy to allow the Marine Corps to exceed the grade ceilings prescribed for its major and lieutenant colonel grades by section 523 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would provide the revised grade limitations shown below for fiscal years 1994 and 1995.

	Major	Lieutenant colonel
Fiscal year:		
1994	3,023	1,578
1995	3,157	1,634

The revised limits would accommodate a plan the Marine Corps prepared to have sufficient numbers of officers in the major and lieutenant colonel grades to satisfy joint and external assignment demands, and joint professional military education requirements, consistent with the intent of the Goldwater-Nichols Defense Reorganization Act of 1986 and the Defense Acquisition Workforce Improvement Act of 1990.

The conferees expect that the Department of Defense will address the adequacy of the existing grade tables as part of the report on officer personnel management systems required by section 502 of the National Defense Authorization Act for Fiscal Year 1993. The conferees intend to consider permanent adjustments to the grade tables after the report has been received.

On a related matter, the Senate conferees were recently approached by the Marine Corps and the Navy concerning the difficulties they have experienced in providing officers to fill general and flag officer joint staff positions because of the grade ceilings on the number of general and flag officers they are authorized to have on active duty. The Senate conferees would consider providing relief in this area if the Marine Corps and the Navy can analytically define the problem and recommend a responsible solution. In this regard, the Senate conferees expect the Assistant Secretary of the Navy for Manpower and Reserve Affairs, in consultation with the Assistant Secretary of Defense for Personnel and Readiness, to provide to the Committees on Armed Services of the Senate and House of Representatives an analysis of this matter along with appropriate recommendations.

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the end strengths for the Selected Reserve for each of the military services contained in the budget request.

The Senate amendment contained a similar provision (sec. 411) except for the end strengths that would be authorized for the Marine Corps Reserve, the Naval Reserve, the Coast Guard Reserve, and the Air National Guard.

The House recedes with an amendment.

The amendment would authorize end strengths for the Selected Reserve as shown in the following table:

[By fiscal year]

	1993 authorization	1994 request	1994 recommendation
Army National Guard	422,725	410,000	410,000
Army Reserve	279,615	260,000	260,000
Naval Reserve	133,675	113,400	118,000
Marine Corps Reserve	42,315	36,900	42,200
Air National Guard	119,300	117,700	117,700
Air Force Reserve	82,300	81,500	81,500
Coast Guard Reserve	15,150	8,000	10,000
Total	1,095,080	1,027,500	1,039,400

End strengths for reserves on active duty in support of the reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the full-time active duty end strengths for each of the reserve components contained in the budget request.

The Senate amendment contained a similar provision (sec. 412) except for the Marine Corps Reserve, the Naval Reserve, and the Air National Guard.

The House recedes with an amendment that would authorize end strengths for full-time support for fiscal year 1994 as shown below:

[By fiscal year]

	1993 authorization	1994 request	1994 recommendation
Army National Guard	24,736	24,180	24,180
Army Reserve	12,637	12,542	12,542
Naval Reserve	21,490	19,369	19,718
Marine Corps Reserve	2,285	2,119	2,285
Air National Guard	9,106	9,389	9,389
Air Force Reserve	636	648	648
Total	70,890	68,247	68,762

Increase in number of members in certain grades authorized to be on active duty in support of the reserves (sec. 413)

The House bill contained a provision (sec. 413) that would permanently increase the number of full-time support personnel on active duty in pay grades E–8, E–9, O–5, and O–6 in support of the Air Force reserve components.

The Senate amendment contained a provision (sec 413) that would authorize an increase during fiscal year 1994 in these grade ceilings.

The Senate recedes.

Force structure allowance for Army National Guard (sec. 414)

The House bill contained a provision (sec. 414) that would recommend a force structure allowance of not less than 420,000 for the Army National Guard during fiscal year 1994. This provision would place a floor on the number and types of units and organizations and the number of authorized personnel spaces allocated to those units and organizations in the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Personnel level for Navy Craft of Opportunity Program (COOP) (sec. 415)

The House bill contained a provision (sec. 415) that would require the Secretary of the Navy during fiscal year 1994 and thereafter to maintain the personnel authorizations assigned to the Craft of Opportunity mission at not less than the level in effect on September 30, 1991.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization of appropriations for military personnel (sec. 431)

The House bill contained a provision (sec. 431) that would limit the amount authorized to be appropriated for military personnel for

fiscal year 1994 to $70,671,147,000—an increase of $587,377,000 above the budget request.

The Senate amendment contained a similar provision (sec. 431) that would limit the amount to $70,711,000,000.

The House recedes with an amendment that would limit the amount authorized to be appropriated for military personnel for fiscal year 1994 to $70,183,770,000.

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Years of service for eligibility for separation pay for regular officers involuntarily discharged (sec. 501)

The House bill contained a provision (sec. 501) that would amend section 1174 of title 10, United States Code, to require a minimum of six years of service for entitlement to separation pay for all regular officers upon selection for involuntary discharge.

The Senate amendment contained a similar provision (sec. 632).

The Senate recedes.

Expansion of eligibility for voluntary separation incentive and special separation benefits programs (sec. 502)

The House bill contained a provision (sec. 502) that would expand eligibility for the voluntary separation incentive (VSI) and the special separation bonus (SSB) to personnel with more than six years of active service before the date of enactment of this act, instead of December 5, 1991, as prescribed in current law.

The Senate amendment contained a similar provision (sec. 633) that would expand eligibility for both programs to servicemembers who complete the required period of active duty without regard to the date on which that period of active duty is completed.

The House recedes with a technical amendment.

Members eligible for involuntary separation benefits (sec. 503)

The House bill contained a provision (sec. 503) that would modify the definition of "involuntary separation" to extend eligibility for the package of involuntary separation benefits in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to individuals on active duty or full-time National Guard duty as of September 30, 1991, rather than September 30, 1990, as provided in current law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the involuntary separation benefits to individuals on active duty or full-time National Guard duty on or after September 30, 1990.

Determination of service for warrant officer retirement sanctuary (sec. 505)

The House bill contained a provision (sec. 532) that would amend the Warrant Officer Management Act, established by section 1112 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), to provide the same tenure protection to warrant officers that is afforded under current law to enlisted members and officers who have completed 18 but less than 20 years of active duty for retirement eligibility purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Officers ineligible for consideration by early retirement boards (sec. 506)

The House bill contained a provision (sec. 505) that would amend section 638 of title 10, United States Code, to clarify officer eligibility criteria for selective early retirement boards.

The Senate amendment contained no similar provision.

The Senate recedes.

Remedy for ineffective counseling of officers discharged following selection by early discharge boards (sec. 507)

The House bill contained a provision (sec. 506) that would require the secretaries of the military departments to establish procedures to review individual applications from officers selected for early discharge by board action to ensure that the officer were properly counseled that discharge was a potential result of being included in the population of those officers being considered by the board. If the secretary concerned determines that ineffective counselling occurred, the secretary would provide the member the option of participating in the voluntary separation incentive (VSI), special separation benefit (SSB), or early retirement program, if otherwise eligible.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the review mandated by this provision to be carried out by the Board for the Correction of Military Records of the military department concerned. Any such review must be completed within 60 days following receipt by the service secretary of an application for review.

Two-year extension of authority for temporary promotions of certain Navy lieutenants (sec. 508)

The House bill contained a provision (sec. 504) that would extend to September 30, 1995, the current law which authorizes the "spot promotion" of certain Navy lieutenants who possess skills for which a critical shortage exists and who are serving in positions designated to be held by lieutenant commanders.

The Senate amendment contained no similar provision (sec. 504).

The Senate recedes.

Award of constructive service credit for advanced education in a health profession upon original appointment as an officer (sec. 509)

The House bill contained a provision (sec. 731) that would amend title 10, United States Code, to authorize the award of year-for-year constructive service credit for advanced health professional degrees.

The Senate amendment contained a similar provision (sec. 501).

The House recedes with a technical amendment.

Original appointment as regular officers of certain reserve officers in health professions (sec. 510)

The Senate amendment contained a provision (sec. 502) that would exempt reserve officers in the health professions from the requirement in section 532 of title 10, United States Code, that an officer must be able to complete 20 years of active commissioned service by age 55 in order to be appointed as a regular officer. This provision would be consistent with an existing, similar exemption for physicians and dentists.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to prescribe in regulations those medical skills in which reserve officers can be appointed as regular officers without regard to their being able to complete 20 years of active commissioned service by age 55.

Exception for health care providers to requirement for 12 weeks of basic training before assignment outside United States (sec. 511)

The Senate amendment contained a provision (sec. 514) that would authorize the exemption of certain reserve personnel with specialized skills and training, such as health care professionals, from the requirement for 12 weeks of basic training before assignment outside the United States in a time of war or national emergency.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense and, when appropriate, the Secretary of Transportation, to prescribe regulations that would allow certain members in the medical professions of the armed forces to complete a period of basic training shorter than 12 weeks before assignment outside the United States.

Number of full-time reserve personnel who may be assigned to ROTC duty (sec. 512)

The House bill contained a provision (sec. 512) that would increase the number of active National Guard and Reserve (AGR) personnel who may be assigned to duty with a unit of the Reserve Officer Training Corps (ROTC) to not more than 275 at any time.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of mandated reduction in Army Reserve component full-time manning end strength (sec. 513)

The House bill contained a provision (sec. 513) that would, in light of the new active component advisor program, repeal the full-time support reductions required by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) in fiscal years 1994-1998.

The Senate amendment contained no similar provision.

The Senate recedes.

Two-year extension of certain reserve officer management authorities (sec. 514)

The House bill contained a provision (sec. 514) that would extend to September 30, 1995, the current authorizations for certain reserve officer management programs.

The Senate amendment contained a similar provision (sec. 512).

The House recedes with a technical amendment.

Active component support for reserve training (sec. 515)

The House bill contained a provision (sec. 515) that would direct the Secretary of the Army to establish one or more active cadre divisions during fiscal year 1995 to function as reserve component training divisions. These divisions would be a part of the active Army force structure, under an active duty commander, but could include Army National Guard and Army Reserve personnel as well.

The House bill would further require the Secretary of the Army to submit an implementation plan during fiscal year 1994, including the Secretary's recommendations for any statutory changes that the Secretary considers necessary to fulfill this requirement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the name of the training units and clarify the intent of the conferees

that the primary mission of these active component units would be to provide training support to reserve units.

Test program for reserve combat maneuver unit integration (sec. 516)

The House bill contained a provision (sec. 516) that would direct the Secretary of the Army to prepare a plan for a test program to determine the feasibility and advisability of applying the "roundout" and "roundup" models to active and reserve component unit integration at the battalion level.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees agree that the provision would provide the Secretary of the Army latitude to include a number of alternative organizational alignments in the test program. The conferees expect, however, that for the roundout portion of the test program, one of the alternatives would require that: 1) two of the three brigades of an Army division be restructured to include two active battalions and one National Guard battalion; (2) the third brigade of the division be restructured with a mix of active and National Guard companies in each battalion; and (3) National Guard personnel be integrated into the brigade and division headquarters and other division elements.

For the roundup portion of the test program, the conferees expect that one of the alternatives would require that each of the brigades of an active Army division be augmented with an additional (fourth) National Guard armor or infantry battalion.

Revisions to the pilot program for active component support of the reserves (sec. 517)

The House bill contained a provision (sec. 517) that would clarify that the active component advisers assigned under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) may be commissioned or warrant officers, or enlisted personnel. The provision would direct the Secretary of the Army to include, in the previously directed report containing the Secretary's evaluation of the program, a proposal for any statutory changes the Secretary considers necessary to implement the program on a permanent basis. The provision would also require the Secretary of the Army to include in the annual Army posture statement a report comparing the promotion rates of officers serving as active component advisers with the promotion rates of all Army officers in the same pay grade and competitive category.

The Senate amendment contained no similar provision.

The Senate recedes.

Educational assistance for graduate programs for members of the Selected Reserve (sec. 518)

The House bill contained a provision (sec. 521) that would permit Selected Reserve participants in the Montgomery G.I. Bill to pursue graduate-level course work, subject to the availability of appropriations.

The Senate amendment contained no similar provision.

The Senate recedes.

Frequency of physical examinations for members of the Ready Reserve (sec. 519)

The Senate amendment contained a provision (sec. 516) that would amend section 1004(a)(1) of title 10, United States Code, by changing the requirement that each member of the Ready Reserve who is not on active duty be given a medical examination from every four years to every five years. There is no statutory requirement for periodic medical examination for members of the active components, and this provision would conform the reserve statute with standard practice for members serving on active duty.

The House bill contained no similar provision.

The House recedes. The conferees emphasize that this provision should not be misconstrued in any way to alter the provision contained in section 1117 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), which requires that: 1) each member of the Army National Guard undergo a medical and dental screening on an annual basis; and 2) each member of the Army National Guard over the age of 40 undergo a full physical examination not less than every two years.

Revision of certain deadlines under Army Guard combat reform initiative (sec. 520)

The House bill contained a provision (sec. 518) that would modify title XI of the National Defense Authorization Act for Fiscal Year 1993 (Public 102-484) which prescribed a comprehensive package of initiatives to improve the combat readiness of the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Annual report on implementation of Army National Guard reform initiative (sec. 521)

The House bill contained a provision (sec. 519) that would require the Secretary of the Army to include the Army posture statement each year a report on Army compliance with the provisions of the Army National Guard combat reform initiative (title XI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484)), and related legislative provisions enacted as a consequence of lessons learned in the Persian Gulf war.

The Senate amendment contained no similar provision.

The Senate recedes.

FFRDC study of state and federal missions of the National Guard (sec. 522)

The House bill contained a provision (sec. 520) that would require a federally funded research and development center to study the state and federal missions of the National Guard and the manpower, weapons, equipment, and facilities requirements that derive from those missions.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Consistency of treatment of National Guard technicians and other members of the National Guard (sec. 523)

The Senate amendment contained a provision (sec. 513) that would amend section 709 of title 32, United States Code, by providing that the qualifications prescribed for federal recognition of an enlisted member of the National Guard may not differ between members solely on the basis of employment as a National Guard technician. In addition, the provision would repeal military education provisions included in Public Laws 100-456 and 101-189.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Army to recognize credit on a technician's military record for completion of certain education and training courses granted under previous law for a period determined by the Secretary. Such a period may not terminate before such technician's next military promotion.

National Guard management initiatives (sec. 524)

The Senate amendment contained a provision (sec. 515) that would amend titles 10 and 32, United States Code, to eliminate unnecessary restrictions on personnel procedures, and to provide greater flexibility in the training, management, and mobilization of the National Guard.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the portion of the Senate provision regarding physical examinations for members of the National Guard called into federal service, and make technical corrections.

Military service academy provisions (secs. 531-536 and 603)

The House bill contained two provisions regarding management of the military service academies (secs. 603 and 951). Section 603 would limit the pay rate for non-prior service students at the military service academy preparatory schools to the same monthly rate as provided for cadets and midshipmen. Section 951 would prohibit the proposed transfer of the Naval Academy Preparatory School from its current location in Rhode Island to Annapolis in fiscal year 1994.

The Senate amendment contained three provisions (secs. 521, 522, and 523) regarding the management of the military service academies. Section 521 would clarify the procedures for nominating candidates for admission to the military service academies. Section 522 would conform section 702(a) of title 10, United States Code, regarding graduation leave, to eliminate reference to commissioning in the regular component as a precondition for granting graduation leave. Section 523 would authorize the military service academies greater flexibility in hiring civilian faculty and establish uniform procedures for the reporting of hazing. The Senate report (S. Rept. 103-112) directs the Assistant Secretary of Defense for Personnel and Readiness to implement a test program to determine the cost effectiveness of using private preparatory schools as an alternative to service-operated preparatory schools.

The conference agreement would: (1) adopt both House provisions; (2) adopt the three Senate provisions with an amendment on the civilian faculty hiring provision that would extend to the Air Force Academy and the U.S. Military Academy the same flexibility for hiring civilian faculty that exists for the Naval Academy, and require a report from the Department of Defense on the appropriate guidelines for reporting violations of regulations; and (3) adopt the Senate report directive as a legislative requirement with a provision that would exempt the students who graduate from the private preparatory schools and enter the military service academies from counting against the strength ceilings of the military service academies, and require that the test give priority to the goal of providing sufficient opportunities for minorities, women, and prior enlisted personnel. The conferees do not intend that the enrollment of the military academy preparatory schools be negatively affected during the period of the test.

The conferees note for the record a June 15, 1993, final report issued by The American Council of Education (ACE) on its Service Academy Preparatory School Project. The conferees expect the Department of Defense

to examine the entire ACE report and its recommendations carefully, and to take appropriate corrective action.

Provisions affecting the assignment of women in the military (secs. 541–543)

The House bill contained three provisions (secs. 541, 542, and 543) concerning the assignment of women in the military services. These sections would: (1) repeal the remaining combat exclusion law that prohibits the permanent assignment of women to vessels engaged in combat missions (sec. 541); (2) require the Secretary of Defense to prescribe gender-neutral occupational performance standards (sec. 542); and (3) require the Secretary of Defense to submit a report to Congress 90 days prior to implementing any change to directives or regulations affecting the policy restricting the assignment of women to units or positions whose mission requires routine engagement in ground combat.

The Senate amendment contained a provision (sec. 541) that would: (1) repeal the remaining combat exclusion law (like the House provision) but, at the same time, specifically authorize the Secretary of Defense to regulate the kinds of duties to which women in the military may be assigned and the military authority which they may exercise; and (2) require a two-step notification process in which the Secretary of Defense would be required to transmit to the Committees on Armed Services of the Senate and House of Representatives proposed and final regulations implementing any policy with regard to the assignment of women in the military services.

The conferees: (1) adopt the House provision with regard to the repeal of the remaining combat exclusion law which currently prohibits the permanent assignment of women to vessels engaged in combat missions; (2) adopt, with a technical amendment, the House provision with regard to the requirement for the Secretary of Defense to prescribe gender-neutral occupational performance standards; and (3) adopt a compromise between the House and Senate provisions with regard to reporting and notification requirements.

The compromise adopted by the conferees would require the Secretary of Defense to: (1) notify the Committees on Armed Services of the Senate and House of Representatives 90 days before any changes are made to policies on the assignment of women to ground combat roles; and (2) notify the Committees on Armed Services of the Senate and House of Representatives 30 days prior to opening any type of combatant unit, class of combatant vessel, or type of combat platform not previously open to women.

Responsibilities of military law enforcement officials at scenes of domestic violence (sec. 551)

The House bill contained a provision (sec. 551) that would require military law enforcement officials to apprehend or detain persons at the scene of apparent domestic violence upon reasonable belief that an offense was committed involving physical injury or use of a deadly weapon or dangerous instrument.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require military law enforcement officials at the scene of domestic violence to take immediate action to reduce the potential for further violence and promptly report the matter, within 24 hours, to the appropriate commander and family advocacy representatives. The conference agreement also would require a multidisciplinary family advocacy committee to promptly review the family situation and make recommendations to the commander.

The conferees remain concerned about the impact of domestic violence on military personnel and their families, as well as unit morale, good order, and discipline. The conferees urge the Department of Defense to issue promptly the regulations required by the conference agreement. The Department's progress in implementing and sustaining the policies required by the conference agreement will be a matter of significant concern during oversight hearings that will be conducted by the Committees on Armed Services of the Senate and the House of Representatives.

Improved procedures for notification of victims and witnesses of the status of prisoners in military correctional facilities (sec. 552)

The House bill contained a provision (sec. 552) that would require the Secretary of Defense to improve the procedures for notifying victims and witnesses of the status of offenders confined in military correctional facilities. The provision would require the procedures to be consistent, to the maximum extent practicable, with those of the Federal Bureau of Prisons.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Study of stalking by persons subject to the UCMJ (sec. 553)

The House bill contained a provision (sec. 553) that would require the Department of Defense to study the issue of stalking by persons subject to the Uniform Code of Military Justice.

The Senate amendment contained no similar provision.

The Senate recedes.

Transitional compensation for dependents of members of the armed forces separated for dependent abuse (sec. 554)

The House bill contained a provision (sec. 554) that would authorize the Secretary of a military department to provide transitional compensation to dependents of a member of the armed forces who is separated from active duty as a result of a court-martial or administrative proceeding for dependent abuse.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Clarification of eligibility for benefits for dependent victims of abuse by members of the armed forces pending loss of retired pay (sec. 555)

The Senate amendment contained a provision (sec. 654) that would amend 10 U.S.C. 1408, which authorizes benefits for dependents who have been abused by servicemembers who are losing the right to retired pay. The Senate amendment would make it clear that the dependent victim's eligibility to receive such benefits would begin when the convening authority approves a sentence that would terminate the servicemember's eligibility to receive retired pay.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Extension through fiscal year 1999 of certain force drawdown transition authorities relating to personnel management and benefits (sec. 561)

The Senate amendment contained a provision (sec. 532) that would extend through fiscal year 1998 certain temporary authorities which provide tools to the military services for managing personnel reductions, and which provide a safety net of benefits for separating military personnel during the defense drawdown.

The House bill contained no similar provision.

The House recedes with an amendment that would extend these transition authorities through 1999. The conferees believe that by providing the Department of Defense with these authorities for the foreseeable length of the drawdown, they will encourage DOD to develop and implement coherent, integrated, long-term drawdown plans that will minimize the uncertainties and personnel turbulence associated with such a drawdown. In section 404 of the conference report, the conferees direct the Secretary of Defense to submit a long-range plan for using the transition authorities to reduce the active-duty force levels to those assumed in the Bottom-Up Review.

The House recedes with a further amendment that would make permanent the rate of basic pay applicable to certain members with over 24 years of service.

Retention in active status of enlisted reserves with between 18 and 20 years of service (sec. 562)

The Senate amendment contained a provision (sec. 533(a)) that would provide a sanctuary for reserve enlisted members in an active status with greater than 18 but less than 20 years of service.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority to order early reserve retirees to active duty (sec. 563)

The Senate amendment contained a provision (sec. 533(b)) that would amend section 688(a) of title 10, United States Code, to provide the authority to order early reserve retirees to active duty.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Applicability to Coast Guard Reserve of certain reserve component transition initiatives (sec. 564)

The House bill contained a provision (sec. 522) that would extend eligibility for transition initiatives to members of the Coast Guard Reserve for the force reduction transition period.

The Senate amendment contained a similar provision (sec. 634).

The House recedes with a technical amendment.

Policy concerning homosexuality in the armed forces (sec. 571)

During the 103rd Congress, the Committees on Armed Services of the Senate and the House of Representatives each examined Department of Defense policies concerning homosexuality in the armed forces. The Department of Defense also reviewed its policies. On July 19, 1993, the President announced his approval of recommendations from the Secretary of Defense and the Joint Chiefs of Staff concerning the service of homosexuals in the armed forces. On July 27, 1993, the Senate Armed Services Committee approved legislation setting forth a statutory policy on homosexuality in the armed forces. An identical provision was approved by the House Armed Services Committee on July 30, 1993. This provision, which was set

forth in the House bill (sec. 574) and the Senate amendment (sec. 546), is set forth in this section.

Change in timing of required drug and alcohol testing and evaluation of applicants for appointment as a cadet or midshipman and for ROTC graduates (sec. 572)

The House bill contained a provision (sec. 571) that would defer, until the applicant has met the other requirements for admission or commissioning, but not otherwise modify, the required testing for drug and alcohol use for prospective entrants to the service academies and for members of the Senior Reserve Officers' Training Corps (ROTC) who are being examined as part of the pre-commissioning evaluation.

The Senate amendment contained no similar provision.

The Senate recedes.

Reimbursement requirements for advanced education assistance (sec. 573)

The House bill contained a provision (sec. 572) that would amend section 2005 of title 10, United States Code, to require the secretaries of the military departments to establish procedures to advise members of advanced education debts and to conduct investigations to determine if advanced education debts should be collected. The section would also authorize the secretaries of the military departments to waive the requirement to collect advanced education debts.

The Senate amendment contained a provision (sec. 544) that would authorize the secretary of a military department to amend an agreement entered into by a member who received advanced educational assistance and reduce, at any time, the period of active duty service the member agreed to serve in conjunction with the receipt of educational assistance when it is determined to be in the best interest of the United States. This provision would also provide that any computation of reimbursement to the United States would be based on the reduced active duty service obligation.

The Senate recedes with a technical amendment.

Recognition of powers of attorney (sec. 574)

The House bill contained a provision (sec. 573) that would ensure the effectiveness of powers of attorney notarized by persons authorized to act as notaries public under 10 U.S.C. 1044a.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Foreign language proficiency test program (Sec. 575)

The House bill contained a provision (sec. 575) that would require the Secretary of Defense to develop and carry out a test program for improving foreign language proficiency in the Department of Defense. The test program would focus on evaluating changes in the management of the foreign language proficiency program recommended in a June 1993 report by the Department of Defense Inspector General and the Sixth Quadrennial Review of Military Compensation. The test program would include an evaluation of adjustments in compensation, including foreign language proficiency pay for active and reserve component personnel, larger enlistment and reenlistment bonuses, and special duty assignment pay.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Clarification of punitive UCMJ article regarding drunken driving (sec. 576)

The House bill contained a provision (sec. 562) that would clarify the statutory standard for breath and alcohol measurements under Article 111 of the Uniform Code of Military Justice (10 U.S.C. 911) which proscribes drunken driving.

The Senate amendment contained a similar provision (sec. 543).

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification to Selected Reserve call-up authority

The House bill contained a provision (sec. 511) that would amend section 673b of title 10, United States Code, to provide a permanent increase in the existing Selected Reserve call-up authority from 90 to 180 days for both the initial and an additional period of service.

The Senate amendment contained a provision (sec. 511) that would authorize the President to delegate to the Secretary of Defense limited authority to call up units and members of the Selected Reserve under section 673b of title 10, United States Code. No more than 25,000 members of the Selected Reserve could be on active duty at any one time under this authority.

The senate provision would require written notification to Congress within 24 hours of the exercise of this authority, setting forth the circumstances requiring the call-up and the anticipated use of called-up reservists or units.

The conferees agree to delete both provisions. The conferees generally support making the reserves more accessible in the expectation of increased reliance on them. However, the conferees are reluctant to expand the existing call-up authorities before exploring in hearings the implications of any such changes for the reserve components and employer support for reserve components.

Improved right of appeal in court-martial cases

The House bill contained a provision (sec. 561) that would amend Article 69 of the Uniform Code of Military Justice (10 U.S.C. 869) to provide that an individual whose case is reviewed by the Judge Advocate General of the military department concerned under Article 69 may petition the Court of Military Review (CMR) for that service to review the case under Article 66 (10 U.S.C. 866).

Under Article 66, every court-martial in which the sentence extends to death, dismissal, dishonorable or bad-conduct discharge, or confinement for one year or more is subject to mandatory review by a Court of Military Review unless the accused waives appeal. The CMR is a formal appellate tribunal within each military department composed of senior attorneys. Other cases (e.g., those involving a lesser sentence) may be reviewed by the Judge Advocate General concerned. The Judge Advocate General has the discretion to submit any of those other cases to the CMR.

The Senate amendment contained no similar provisions.

The House recedes. The conferees agree that the Secretary of Defense should review the relationship between review under Article 69 by the Judge Advocate General and appeal to a CMR under Article 66. The Secretary should provide the results of that review to the congressional defense committees not later than May 1, 1994.

At a minimum, the review should address the following issues: (1) whether the distinction in Article 69 between general courts-martial (which are subject to mandatory review by the Judge Advocate General) and other courts-martial (which are subject to review only upon request) remains valid, particularly in view of the fact that the sentences imposed in some general courts-martial may be less severe than the sentences imposed in some special courts-martial; (2) what standards should defense counsel apply in determining whether to submit an appeal under Article 69; (3) what standard should the Judge Advocates General apply in determining whether a case reviewed under Article 69 should be submitted to a CMR for formal appellate review; and (4) whether the accused should be given the right to petition a CMR for review of decisions by the Judge Advocate General under Article 69.

Reduction in the maximum number of years for a military member to be maintained on the temporary disability retired list

The Senate amendment contained a provision (sec. 542) that would reduce from five to three the maximum number of years a service member may be retained on the temporary disability retired list before a final determination is made.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that proper management of the list is essential, but believe that reducing the maximum number of years from five to three may disadvantage certain disabled members, including those undergoing cancer treatment.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Military pay raise for fiscal year 1994 (sec. 601)

The House bill contained a provision (sec. 601) that would authorize a 2.2 percent increase in basic pay, basic allowance for quarters, and basic allowance for subsistence for military personnel.

The Senate amendment contained a similar provision (sec. 601).

The House recedes.

Variable housing allowance (VHA) for certain members who are required to pay child support and who are assigned to sea duty (sec. 604)

The House bill contained a provision (sec. 602) that would permit members above paygrade E-6 who are assigned to sea duty and are entitled to a basic allowance for quarters (BAQ) at the "with dependent" rate solely by reason of child support payments to be entitled to a variable housing allowance (VHA) at the "without dependents" rate.

The Senate amendment contained no similar provision.

The Senate recedes.

Evacuation advance pay (sec. 605)

The House bill contained a provision (sec. 604) that would amend section 1006 of title 37, United States Code, to authorize the President to designate in advance or retroactively a place for which advance of pay will be made in connection with the ordered evacuation of members or dependents of members.

The Senate amendment contained a provision (sec. 622) that would designate permanent change of station pay advances to servicemembers evacuated in August 1992 from Homestead Air Force Base, Florida, because of Hurricane Andrew, as evacuation advance pay.

The House recedes with an amendment that would preserve the designation of pay advances to Hurricane Andrew victims as evacuation advance pay and amend section

1006 of title 37, United States Code, to provide the Secretary of Defense with the authority to designate places within the United States as evacuation sites warranting payment of advance pay.

Extension of authority for bonuses and special pays for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 611)

The House bill contained a provision (sec. 611) that would make permanent the authority for bonuses and special pays for nurse officer candidates, registered nurses, and nurse anesthetists.

The Senate amendment contained a provision (sec. 612 (a)-(c)) that would extend the authority for these bonuses and pays until September 30, 1995.

The House recedes with a technical amendment.

Expansion and modification of certain bonuses for reserve forces (sec. 612)

The House bill contained two provisions (sec. 612 and 613(f)) that would extend certain expiring authorities to September 30, 1995, increase the Selected Reserve enlistment bonus from $2,000 to an amount not to exceed $5,000, and change the requirement to "pay one half of the bonus upon completion of the initial active duty for training" to "an amount not to exceed one half of the bonus may be paid." The provision would further specify that the total amount of expenditures that may be incurred to provide bonuses under this section may not exceed $37,024,000 for fiscal year 1994, the amount contained in the budget request for the Selected Reserve enlistment bonus program.

The Senate amendment contained a provision (sec. 611) that would amend Selected Reserve enlistment bonus and affiliation bonus authorities to provide greater flexibility in the method of payment of the bonuses.

The Senate recedes with a technical amendment.

Extension of authorities relating to payment of other bonuses, and special pays (sec. 613)

The House bill contained a provision (sec. 613) that would extend the authorities for a variety of bonuses and special pays. The current authorities expired on September 30, 1993.

The Senate amendment contained a similar provision (sec. 612 (d)-(k)) that would extend the authorities for a variety of bonuses, special pays, and educational loan repayments.

The Senate recedes with an amendment that would combine the provisions of the House bill and the Senate amendment.

Reimbursement of temporary lodging expenses (sec. 621)

The Senate amendment contained a provision (sec. 621) that would expand the current temporary lodging expense reimbursement authority from four to ten days for moves to or within the United States, and from two to five days for moves from a stateside location to one outside the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would make April 1, 1994 the effective date of the provision.

Payment of losses incurred or collection of gains realized due to fluctuations in foreign currency in connection with housing members in private housing abroad (sec. 622)

The House bill contained a provision (sec. 622) that would amend section 405(d) of title 37, United States Code, to authorize service secretaries to pay or collect funds for nonrecurring expenses incurred by servicemembers as a result of the fluctuation of U.S. and foreign currencies while occupying private housing outside the United States.

The Senate amendment contained a similar provision (sec. 652).

The House recedes.

Revision of definition of dependents for purposes of allowances (sec. 631)

The House bill contained a provision (sec. 631) that would revise the definition of the term "dependent" for purposes of allowances (37 U.S.C. 401(a)) to include certain minors in the legal custody of a member of former member of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Clarification of eligibility for tuition assistance (sec. 632)

The House bill contained a provision (sec. 632) that would amend section 2007(c) of title 10, United States Code, to make clear that selected reserve officers serving on active duty or full-time National Guard duty, who are otherwise eligible to receive tuition assistance by virtue of their active service and agreement to serve on active duty for two years following completion of the training or education for which tuition assistance was provided, are not precluded from receiving such assistance.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress regarding the provision of excess leave and permissive temporary duty for members from outside the continental United States (sec. 633)

The Senate amendment contained a provision (sec. 655) that would express the sense of the Senate that the Secretary of Defense should 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 separation be eligible to receive the same amount of excess leave or permissive temporary duty as a member who is stationed overseas. The provision would also require a report on other areas of inequitable treatment.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress on this issue and strike the required report.

Special pay for certain disabled members (sec. 634)

The Senate amendment contained a provision (sec. 631) that would authorize an individual who has a service-connected disability rated as total to be paid a special pay not to exceed the monthly amount of veterans disability compensation the person receives.

This provision would take effect unless the Department of Defense submits, by January 1, 1994, 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).

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Permanent authority for former prisoners of war to claim payments because of violations of the Geneva Convention

The Senate amendment contained a provision (sec. 641) that would amend section 6 of the War Claims Act of 1948 (50 App. U.S.C. 2005), as amended by Public Law 91-289 (84 Stat. 323), by making permanent the authority for former prisoners of war (POWs) to claim payment for violations of the Geneva Convention of August 12, 1949, by their captors. The Senate amendment would also sever the connection between payments to victims of terrorism and POWs.

The House bill contained no similar provision.

The Senate recedes.

Inclusion of victims of terrorism in certain title 37 benefits

The Senate amendment contained a provision (sec. 642) that would authorize the payment of certain benefits authorized under title 37, United States Code, to victims of terrorism and members of the uniformed services held as captives.

The House bill contained no similar provision.

The Senate recedes.

Pay for members of the uniformed services during times of war, hostilities, or national emergency

The Senate amendment contained a provision (sec. 651) that would authorize the Secretary of Defense to issue regulations to limit the direct pay to servicemembers engaged in combat operations overseas during time of war, hostilities, or national emergency declared by the Congress or the President.

The House bill contained no similar provision.

The Senate recedes.

Extension of Operation Desert Shield postponement of certain tax-related acts to other contingency operations

The Senate amendment contained a provision (sec. 653) that would amend section 7508 of title 26, United States Code, by extending Operation Desert Shield postponement of tax obligations and other certain acts to personnel overseas supporting a contingency operation.

The House bill contained no similar provision.

The Senate recedes noting the jurisdiction of the Committee on Ways and Means of the House of Representatives over tax legislation.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Primary and preventive health care services for women (sec. 701)

The House bill contained a provision (sec. 701) that would define the authorized services available to female members, former members, and beneficiaries under chapter 55, title 10, United States Code, to include primary and preventive health care services for women.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the definition of "primary and preventive health care services for women."

Revision of the definition of dependents for purposes of health benefits (sec. 702)

The House bill contained a provision (sec. 702) that would revise the definition of the term "dependent" for purposes of health benefits (10 U.S.C. 1072(2)) to include certain minors in the legal custody of a member or former member of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Authorization to expand enrollment in the dependents' dental program to certain members returning from overseas assignments (sec. 703)

The Senate amendment contained a provision (sec. 706) that would require the Secretary of Defense to take appropriate action to allow military personnel returning from an overseas assignment to be eligible to enroll in the dental insurance program authorized by section 701 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

The House bill contained no similar provision.

The Hose recedes with an amendment that would: (1) permit the Secretary of Defense to expand the dependents' program to permit the enrollment of certain dependents without regard to the length of the uncompleted portion of the member's period of obligated service after March 31, 1994; (2) require a report from the Department of Defense on the advisability of expansion of the benefit; and (3) require a 30-day notification of the exercise of the authority provided.

Authorization to apply section 1079 payment rules for the spouse and children of a member who dies while on active duty (sec. 704)

The conferees became aware of a situation in which a surviving spouse or dependent may unexpectedly incur substantially higher out-of-pocket medical care costs under CHAMPUS when the servicemember dies on active duty. This situation might occur when the spouse or other dependent is involved in ongoing treatment for a medical condition such as pregnancy at the time the servicemember dies.

The conferees agree to a provision that would authorize the secretary concerned to continue to apply the payment provisions under section 1079(b) rather than the payment provisions under section 1086(b) of title 10, United States Code, with respect to the treatment for an illness or medical condition for which the dependent was receiving treatment at the time the servicemember died. The lower cost-sharing requirements would be authorized for the duration of the treatment of the illness or medical condition or one year, whichever is shorter.

The conferees intend to ensure that active duty families do not incur financial hardship for continued medical treatment following the death of the servicemember. The conferees note that the service secretaries may already authorize continued medical care in military hospitals under such circumstances to a secretarial "designee" but may not utilize designee status in order to continue to provide CHAMPUS coverage or to prescribe the continuation of the active duty dependent cost-sharing prescribed under section 1079(b) of title 10, United States Code. The conferees encourage the administering Secretary to use either secretarial designee status or the authority provided in this provision to continue treatment for a pre-existing illness or medical condition at the time of the servicemember's death, depending on which method is most beneficial and cost-effective.

Codification of CHAMPUS peer review organization program procedures (sec. 711)

The House bill contained a provision (sec. 712) that would codify existing procedures for the CHAMPUS peer review organization (PRO) program. In addition, this provision would authorize the Secretary of Defense to adopt any quality or utilization review requirements and procedures in effect for the Medicare peer review organization program and adapt them to the circumstances of the CHAMPUS program.

The Senate amendment contained a similar provision (sec. 702).

The Senate recedes with a technical amendment.

Increased flexibility for personal services contracts in military medical treatment facilities (sec. 712)

The House bill contained a provision (sec. 717) that would amend title 10, United States Code, to expand the current authority to utilize personal services contracts to supplement military and federal civilian employees in military treatment facilities (MTFs). This provision would allow the Secretary of Defense to establish simplified contracting procedures in lieu of the current Federal Acquisition Regulations (FAR) and would increase the maximum pay cap to $200,000. Finally, this provision would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and House of Representatives after exercising this expanded authority. The report shall specify the number of individuals compensated at the higher level permitted by this provision, the medical specialities involved, and the salaries offered.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment. The conferees note that personal services contract personnel are utilized when the military treatment facility needs health care providers who will be subject to the same day-to-day supervision and controls that apply to military personnel and civil service employees. Personal services contract personnel are therefore considered to be employees for purposes of job performance, supervisory authority, quality assurance requirements, tort liability, and other purposes. However, they are exempt from civil service rules and civilian end strength limits. The regulations issued under the new authority should be consistent with these requirements.

Expansion of the program for the collection of health care costs from third-party payers (sec. 713)

The House bill contained a provision (sec. 718) that would strengthen the current authority for the Department of Defense to collect health care costs for services provided in military hospitals from insurance companies and other third party payers. The provision also would clarify congressional intent that collected funds be earmarked for use at the medical facility responsible for collecting the funds, and require the Secretary of Defense to report annually on the level of funds collected at each military treatment facility and the budget request for the operation of that facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the reporting requirements.

Alternative resources allocation method for medical facilities of the uniformed services (sec. 714)

The House bill contained a provision (sec. 719) that would revise the current statute that requires the use of diagnosis-related groups (DRGs) to allocate funds to military treatment facilities (MTFs). This provision would allow the Department of Defense to use either the current DRG-based method or institute a capitation-based method to allocate resources to MTFs.

The Senate amendment contained no similar provision.

The Senate recedes.

Federal preemption regarding contracts for medical and dental care (sec. 715)

The House bill contained a provision (sec. 713) that would permit the preemption of state or local government law or regulation for health care contracts to the extent that the Secretary of Defense determines that the state or local government law or regulation is inconsistent with a specific provision in the contract, or that such preemption is necessary to implement or operate the contract or to achieve other important federal interests.

The Senate amendment contained no similar provision.

The Senate recedes.

Specialized treatment facility program authority and issuance of nonavailability of health care statements (sec. 716)

The House bill contained a provision (sec. 711) that would extend until October 1, 1995, and revise the authority provided by sections 711 and 715 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 101-190) concerning the specialized treatment facility (STF) program. This section would allow the designation of civilian STFs with service areas comparable in size to military STFs and authorize payment of transportation and related expenses for travel to STFs when it is determined that such care is cost-effective.

The Senate amendment contained a similar provision (sec. 701).

The House recedes with a technical amendment.

Delay of termination authority regarding status of certain facilities as uniformed services treatment facilities (sec. 717)

The House bill contained a provision (sec. 714) that would extend until December 31, 1995, the designation of ten former Public Health Service hospitals and clinics as uniformed services treatment facilities (USTFs).

The Senate amendment contained a similar provision (sec. 704) that would extend the designation for five years through fiscal year 1998.

The House recedes with an amendment that would: (1) extend the designation until December 31, 1996; and (2) require the Comptroller General and the Director of the Congressional Budget Office to evaluate jointly the participation agreements entered into between the USTFs and the Secretary of Defense and to report the results of that evaluation to Congress not later than six months after the date of enactment of this act.

The conferees expect the Department of Defense to develop and implement a plan to introduce competitive managed care into the areas now served by the USTFs to stimulate competition among health care provider organizations for the cost-effective provision of quality health care services. The conferees further expect that future programs be incorporated under the umbrella of national health care reform and its attendant emphasis on competition. The Department should provide periodic progress reports to the Committees on Armed Services of the Senate and House of Representatives on the implementation of such a plan.

Managed-care delivery and reimbursement model for the uniformed services treatment facilities (sec. 718)

The House bill contained a provision (sec. 715) that would direct the Secretary of Defense to begin operation of the managed-care

delivery and reimbursement model in the uniformed services treatment facilities not later than October 1, 1993. In addition, this section would authorize the imposition of reasonable charges for inpatient and outpatient care under the managed-care model.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) delay the October 1, 1993, effective date until the date of enactment of this act; (2) require an independent evaluation by a federally funded research and development center of the performance of each uniformed services treatment facility under the managed care delivery and reimbursement model; and (3) require a report to be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than December 31, 1995. The conferees expect this independent review and cost analysis to be similar to that done by the RAND Corporation in connection with the expansion of the CHAMPUS reform initiative.

Flexible deadline for continuation of CHAMPUS reform initiative in Hawaii and California (sec. 719)

The Senate amendment contained a provision (sec. 703) that would amend section 713(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 101-484) to provide flexibility with regard to the August 1, 1993, date for the delivery of CHAMPUS services under the new CHAMPUS reform initiative contract for California and Hawaii.

The House bill contained no similar provision.

The House recedes with an amendment that would permit the new contract to begin as soon as practicable after the date of enactment of this act.

Clarification of conditions on expansion of CHAMPUS reform initiative to other locations (sec. 720)

The House bill contained a provision (sec. 716) that would clarify that the cost-effectiveness criterion prescribed by section 712 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) for certification of the expansion of the CHAMPUS reform initiative (CRI) should be determined based on the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and not on a single baseline such as standard CHAMPUS. This provision would further require that the Secretary of Defense ensure that, under any revision to CRI necessary to achieve certification, enrolled beneficiaries should obtain health care services at reduced out-of-pocket cost relative to standard CHAMPUS.

The Senate amendment contained no similar provision.

The Senate recedes.

Report regarding demonstration programs for the sale of pharmaceuticals (sec. 721)

The House bill contained a provision (sec. 736) that would amend section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to direct the Secretary of Defense to report to the Committees on Armed Services of the Senate and House of Representatives on the feasibility and advisability of increasing the size of the geographic areas determined to be adversely affected by the closure of health care facilities of the uniformed services in order to expand the number of persons eligible to participate in the demonstration projects for pharmaceuticals by mail or retail pharmacy networks. This provision would also direct the Secretary to evaluate the feasibility and advisability of expanding participation eligibility to all non-active duty beneficiaries currently eligible to receive medical care under chapter 55 of title 10, United States Code. This report would be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than January 1, 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of health maintenance organization model as an option for military health care (sec. 731)

The House bill contained a provision (sec. 720) that would direct the Secretary of Defense to prescribe and implement, not later than December 15, 1993, a health benefit option and cost-sharing requirements modelled on health maintenance organization (HMO) plans in the private sector and other government health insurance programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to prescribe and implement the health benefit option and cost-sharing requirements by February 1, 1994.

Clarification of authority for graduate student program of the Uniformed Services University of the Health Sciences (sec. 732)

The House bill contained a provision (sec. 732) that would clarify the authority of the Uniformed Services University of the Health Sciences (USUHS) to operate a graduate student program for individuals who function as teaching and research assistants. This section would clarify that the commissioned status and service obligation requirements for students at USUHS contained in title 10, United States Code, apply only to medical students, not graduate students.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority for the Armed Forces Institute of Pathology to obtain additional distinguished pathologists and scientists (sec. 733)

The House bill contained a provision (sec. 733) that would authorize the Secretary of Defense to waive, on a case-by-case basis, the current statutory limitation on the number of distinguished pathologists and scientists and allow the Armed Forces Institute of Pathology (AFIP) to enter into additional agreements for the services of distinguished pathologists and scientists.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization for automated medical record capability to be included in medical information system (sec. 734)

The House bill contained a provision (sec. 721) that would permit the Secretary of Defense to include an automated medical record capability in the Department's acquisition of the composite health care system (CHCS), as prescribed by section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661). This provision would further direct the Secretary of Defense to develop a plan to test the use of an automated medical records capability at one or more military medical treatment facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on the provision of primary and preventive health care services for women (sec. 735)

The House bill contained a provision (sec. 734) that would require the Secretary of Defense to submit a report to Congress evaluating the health care services provided to eligible women through military treatment facilities and CHAMPUS, and to assess the projected health care needs for women in the year 2000.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would refine the content of the report and establish October 1, 1994, as the due date for the report.

Independent study of former Arctic Medical Study (sec. 736)

The Senate amendment contained a provision (sec. 708) that would require the Department of Defense to conduct an independent study of an arctic medical study conducted during the 1950s using Native Americans as subjects.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the Secretary of Defense to identify the source of the funds necessary for the study.

Availability of report regarding the CHAMPUS chiropractic demonstration (sec. 737)

The House bill contained a provision (sec. 735) that would express the sense of Congress that the Secretary of Defense should: (1) expedite the analysis of data derived from the Department of Defense two-year demonstration project to test the participation of chiropractors under CHAMPUS; (2) submit findings and recommendations to Congress not later than October 1, 1993; (3) make all data resulting from the demonstration project available to Congress, including the General Accounting Office; and (4) immediately proceed with the staff work required to implement the recommendations contained in the DOD analysis of the demonstration project.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the House provision and instead require the Secretary of Defense to make available to interested persons the report prepared by the Secretary evaluating the chiropractic demonstration.

Sense of Congress regarding the provision of adequate medical care to covered beneficiaries under the military medical system (sec. 738)

The Senate amendment contained a provision (sec. 707) that would direct the Secretary of Defense to encourage increased use of physicians, dentists, and other health care professionals in the reserve components of the military services to provide care to retired military personnel.

The House bill contained no similar provision.

The House recedes with an amendment that would encourage the use of reserve component physicians, dentists, and other health care professionals to provide services to all authorized beneficiaries, especially retired military personnel.

LEGISLATIVE PROVISION NOT ADOPTED

Exclusion of experienced military physicians from Medicare definition of new physician

The Senate amendment contained a provision (sec. 705) that would amend title 18 of the Social Security Act by exempting physicians and health care practitioners who have

served more than four years in any branch of the uniformed services from treatment as a "new physician or practitioner" under Medicare payment, upon leaving the service.

The House bill contained no similar provision.

The Senate recedes noting that section 13515 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) precludes the need for additional legislation.

TITLE VIII—ACQUISITION POLICY

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Manufacturing technology and industrial preparedness (sec. 801)

The budget request contained $147.7 million for manufacturing technology and industrial preparedness in PE 63705D.

The House bill contained no funding in PE 63705D, but contained $35.0 million for manufacturing technology for the Defense Logistics Agency, $50.0 million for Army manufacturing technology, $120.0 million for Navy manufacturing technology, and $110.0 million for Air Force manufacturing technology.

The Senate amendment contained $171.0 million for manufacturing technology in PE 63705D, $20.0 million for Army manufacturing technology, $50.0 million for Navy manufacturing technology, and $60.0 million for Air Force manufacturing technology. The Senate amendment also contained a provision (sec. 801) that would provide a legislative framework for DOD manufacturing technologies and industrial preparedness programs, including requiring cost sharing and competition for dual use manufacturing technology programs.

The conferees note that the Department of Defense did not request any funds for manufacturing technology and industrial preparedness in the military departments. The conferees also note that this lack of funding is not difficult to understand in light of the fact that, in recent years, the service manufacturing technology programs have become almost totally earmarked for projects that are added by Congress with no competition, no cost sharing, and little or no review by the authorizing committees or the services.

In light of this difficult situation, the conferees recommend a $112.5 million authorization, which includes $3.0 million for the Navy Ramp program, for manufacturing and industrial preparedness to be distributed as directed by the Director, Defense Research and Engineering. The conferees concur with the Department of Defense that these funds should be consolidated within the Office of the Secretary of Defense. The conferees specifically deny authorization of any funds for the military departments' manufacturing technology and industrial preparedness programs. The conferees further direct that the funds authorized for manufacturing technology and industrial preparedness be utilized for manufacturing technology programs and centers already in existence. The conferees explicitly deny authorization for the initiation of any new manufacturing technology or industrial preparedness programs.

The conferees also direct the Director, Defense Research and Engineering to obtain cost sharing arrangements wherever possible for those on-going manufacturing technology programs that are to be funded.

The conferees agree that manufacturing technology programs should be awarded on the basis of competition. Manufacturing technology programs that have dual-use potential should be cost-shared. The conferees will closely monitor all contracts and grants awarded under the manufacturing technology program to ensure this policy is implemented by the Department of Defense. The conferees also agree to jointly sponsor legislation next year to require that contracts and grants be awarded on the basis of merit-based competitive procedures and to prohibit the legislative earmarking of the award of contracts and grants using funds authorized and appropriated for the Department of Defense.

University research (sec. 802)

The budget request contained $242.6 million for university research in PE 61103D.

The House bill would increase university research by $32.0 million.

The Senate amendment would reduce university research by $42.6 million and create a new program entitled university research support program with a $42.6 million funding level. The Senate amendment contains a provision (sec. 802) that would reserve the funds in the university research support program for institutions that have received less than $1.0 million in federal grants in the last three fiscal years. The provision also would require all university grants to be awarded on the basis of merit-based competition.

The conferees agree that the university research program should be funded at $222.6 million. This includes $20.0 million for the Department of Defense Dependent Schools Director's Fund for Science, Mathematics, and Engineering and $20.0 million for the computer-assisted education program. The conferees also agree to establish the university research support program and recommend a $20.0 million funding level for grants to institutions that received less than $2.0 million in federal grants in the last two fiscal years. The conferees agree to require the competitive awarding of these funds.

In addition, the conferees agree to authorize: $20.0 million for the defense experimental program to stimulate competitive research (DEPSCOR); $5.0 million for adaptive optics research; and $7.0 million for magnetic materials microscopy.

Critical Technologies Institute (sec. 803)

The Senate amendment contained a provision (sec. 803) that would adjust the size and composition of the Critical Technologies Institute operating committee. The Administration had requested a smaller, streamlined committee.

The House bill contained no similar provision.

The House recedes with an amendment that would raise Department of Commerce representation to the Under Secretary level and include the Director of the National Science Foundation on the operating committee.

Historically black colleges and universities (sec. 811)

The House bill contained a provision (sec. 802) that would authorize funding for historically black colleges and universities and would require certain reports on the progress of the program.

The Senate amendment contained a provision (sec. 811) that would authorize funding, restate in law the definition of a minority institution, and create a new program for grants to colleges that have a substantial minority enrollment but which do not qualify as minority institutions.

The Senate recedes with an amendment that would add the definition of minority institution to the House provisions.

Pilot mentor-protege program (sec. 813)

The Senate amendment contained a provision (sec. 813) that would authorize $50.0 million for the pilot mentor-protege program. The provision also would: (1) improve public access to the program's policy guidance which provides most of its operating details; (2) expand the potential for equity investment in a protege firm by its mentor; and (3) extend the existing statutory deadline for any new mentor-protege program developmental assistance agreements by one year to avoid a lapse in the program if the National Defense Authorization Act for Fiscal Year 1995 is not enacted before September 30, 1994.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the expansion of equity investment by a mentor. The conferees authorize $50.0 million dollars for the mentor-protege program.

Provisions to revise and consolidate certain acquisition laws (secs. 821-828)

The House bill contained provisions (sec. 811-816 and 819) that would revise and consolidate certain acquisition laws as recommended by the Advisory Panel on Streamlining and Codifying the Acquisition Laws. The House bill contained two other provisions (secs. 817 and 818) that would revise Department of Defense policies concerning the acquisition of commercial products. The provisions also would establish a simplified acquisition threshold for certain laws applicable to the Department of Defense to streamline procurements under $100,000.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment. The conferees agree that action on the recommendations of the Administration's National Performance Review, should receive priority attention by the Congress. The federal government's acquisition policies, including those applicable to the Department of Defense, too often impede the degree of commercial-government integration that is crucial to a solid industrial and technology base capable of meeting national security requirements.

The conference agreement would substantially adopt the revisions and consolidations in sections 811-816 and 819 of the House bill. The provisions in sections 817 and 818 of the House bill, dealing with commercial product acquisitions and the simplified acquisition threshold, address issues that have government-wide implications. They are more appropriately considered in the context of a comprehensive acquisition reform effort.

Defense acquisition pilot programs (secs. 831-839)

The Senate amendment contained provisions (secs. 831-39) that would facilitate the Department of Defense's use of the acquisition pilot program authority established in section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991. The Senate amendment also would establish congressional policies concerning the objectives to be achieved by the defense acquisition pilot programs.

The House bill contained no similar provisions.

The House recedes.

Indirect costs of higher education institutions (sec. 841)

The Senate amendment contained a provision (sec. 821) that would allow institutions of higher education to be reimbursed in a manner similar to other defense contractors when performing contracts for the Department of Defense.

The House bill contained no similar provisions.

The House recedes with an amendment that would prohibit the Secretary of Defense from imposing a limit on reimbursement of allowable indirect costs to institutions of higher education unless a similar limitation is imposed on other defense contractors performing similar contracts.

Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government (sec. 824)

The Senate amendment contained two provisions (secs. 822 and 823) that would exclude those organizations or corporations that are owned, but not controlled, by foreign governments from the prohibitions in sections 835 and 836 of the National Defense Authorization act for Fiscal Year 1993.

The House bill contained no similar provisions.

The Senate recedes on section 822.

The House recedes on section 823 with an amendment that would not change the definition of the term "entity controlled by a foreign government" as the Senate provision proposes. The amendment would specify, however, that the term "entity controlled by a foreign government" does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992. The conferees note that the term "corporation" is intended to include a corporation's subsidiaries, divisions, and groups, whenever they become part of the corporation, as long as they are covered by the same industrial security arrangement with the Department of Defense as the corporation.

The General Accounting Office (GAO) is reviewing the effectiveness of the industrial security arrangements between the Department and foreign-owned defense contractors. The Armed Services Committees of the Senate and House of Representatives will consider the results of the GAO review in 1994 and determine whether any additional legislation in this area is necessary.

Reports by defense contractors of dealings with terrorist countries (sec. 843)

The House bill contained a provision (sec. 831) that would require the Secretary of Defense to acquire certain information from persons entering into contracts with the Department for an amount in excess of $500,000. The information would concern commercial transactions which the contractor had conducted with any terrorist country.

The Senate amendment contained a similar but broader provision (sec. 824).

The Senate recedes with an amendment that would describe more specifically the information that would be acquired from defense contractors and the conditions under which that information would be provided.

Department of Defense purchases through other agencies (sec. 844)

The Senate amendment contained a provision (sec. 825) that would require the Secretary of Defense to issue regulations governing the exercise of the Department's authority under the Economy act (31 U.S.C. 1535) to purchase goods and services under contracts administered by another agency.

The House bill contained no similar provision.

The House recedes with a technical amendment. The conferees recognize that proper use of this authority can benefit the government. The conferees agree that revising existing regulations is appropriate to ensure that this authority is exercised in a reasonable manner.

ARPA authority for pilot projects (sec. 845)

The Senate amendment contained a provision (sec. 826) that would allow the Advanced Research Projects Agency (AARP) to use cooperative agreements in the execution of certain pilot projects and demonstrations.

The House bill contained no similar provision.

The House recedes.

Pricing policies for ranges and test facilities (sec. 846)

The House bill contained a provision (sec. 824) that would allow the commander of certain Air Force facilities to use flexible pricing when negotiating prices for civilian use of the facilities.

The Senate amendment contained a similar provision (sec. 827) that would extend this policy to all Department of Defense ranges and test facilities.

The House recedes with a technical amendment.

Reports on contract bundling (sec. 847)

The House bill contained a provision (sec. 821) that would require the Secretary of Defense and the General Accounting Office (GAO) concurrently to study and report on the extent of so-called contract bundling in defense procurement and assess its impact on the participation of small business concerns and disadvantaged small business concerns.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the respective data collection, assessment, and reporting requirements the provision would impose on the Secretary of Defense and the Comptroller General. Because the provision would require the Department to submit data to the GAO by February 1, 1994, the conference agreement would not require the Department to collect any new data. The requested information would be compiled from the extensive contract data the Department already collects. Similarly, the conference agreement would require GAO only to compile existing information. Despite the limited time afforded, the conferees fully expect the reports to assess the adequacy of: (a) the information being collected concerning the bundling of contract requirements; (b) the regulations or other policy guidance to procurement officials regarding when contract requirements may be consolidated or bundled; and (c) the policy guidance and authority accorded to various small business advocates within the federal procurement system.

Prohibition on competition between defense activities and small businesses for certain maintenance contracts (sec. 848)

The House bill contained a provision (sec. 822) that would clarify existing law by prohibiting DOD activities from competing against small businesses on set-aside contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Buy American provisions (sec. 849)

The House bill contained four provisions (secs. 825, 826, 827, and 828) that would address the Buy American Act and related issues.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would: (1) specify that no funds authorized pursuant to this Act may be expended by a Department of Defense entity unless the entity, in expending the funds, complies with the Buy American Act; (2) require the Secretary of Defense to determine whether a person who has been convicted of affixing a false "Made in America" label to a product should be debarred from contracting with the Defense Department; and (3) require the Secretary of Defense to rescind a blanket waiver of the Buy American Act for a foreign country which the Secretary has determined has violated the terms of a reciprocal defense procurement agreement with the United States.

Clarification of the Small Business Competitiveness Demonstration Program Act (sec. 850)

The House bill contained a provision (sec. 829) that would clarify the Small Business Competitiveness Demonstration Program Act of 1988 (Title VII of Public Law 100-656) to make explicit that firms providing engineering services for military and aerospace equipment, and firms providing marine engineering services, were not covered by the Demonstration Program Act. The provision would also clarify that the small business size standards applicable to firms providing such engineering services could be modified.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend the Small Business Competitiveness Demonstration Program Act to make explicit that only engineering services meeting the definition of architectural and engineering services found in section 901 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 (3)), and awarded pursuant to the selection procedures required by Title IX of that Act, are covered by the Demonstration Program Act. The other forms of engineering services included in SIC Code 8711 relating to weapons and other military and aerospace equipment as well as marine engineering services and naval architecture are not covered by the Demonstration Program Act. Section 202 of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (Public Law 100-366) included amendments to the Demonstration Program Act that sought to express to the Small Business Administration (SBA) the same consistent congressional intent.

The conferees note that the SBA has issued a comprehensive proposal to increase existing small business size standards for public comment. The SBA excluded any proposal to increase the size standard for any of the subdivisions of SIC Code 8711 on the basis that it was prohibited from doing so by the Demonstration Program Act. The conferees direct the SBA Administrator to promptly modify the published size standard proposals to include those subdivisions of SIC Code 8711 which were not included in the Demonstration Program Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

Clarification of requirement for domestic manufacture of propellers for ships funded under the fast sealift program

The House bill contained a provision (sec. 823) that would require all propeller castings and forgings for ships in the fast sealift program to be poured, finished, and manufactured in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense has the authority to restrict procurements to domestic sources to protect the domestic industrial mobilization base. The

conferees, however, are concerned about reports that the base of domestic suppliers of forgings and castings for Navy ships may be shrinking too rapidly.

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees on the U.S. industrial capacity to pour and finish non-ferrous castings for both fixed pitch (mono-bloc) and controllable-reversible pitch propellers. The report should address the implications of this capacity for U.S. import policy regarding such castings and forgings. The conferees direct the Secretary to submit this report no later than March 1, 1994.

Authority to dispose of equipment whose operation and support costs exceed costs of procuring replacement equipment

The House bill contained a provision (sec. 830) that would authorize the Secretary of the Army to dispose of equipment that is needed but which have operation and support costs that exceed the costs of procuring approved replacement equipment, or are major end items that still have commercial utility.

The Senate amendment contained no similar provision.

The House recedes. Under current DOD policies, revenues from the sale of excess equipment through the DOD property disposal process are used to fund the property disposal process. The conferees believe that returning at least a portion of the proceeds from the property disposal process to the selling service would provide an incentive for inventory managers in the military services to eliminate outdated inventory stocks and equipment. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees no later than March 1, 1994, on the consequences of changing current DOD policies to return revenues from the property disposal process to the selling service.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Enhanced position for Comptroller of Department of Defense (sec. 901)

The House bill contained a provision (sec. 901) that would elevate the Comptroller of the Department of Defense from Executive Schedule IV to level III.

The Senate amendment contained a provision (sec. 902) that would require the Comptroller to inform, in a timely manner, the congressional defense committees regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense and under the supervision of the Comptroller.

The conferees believe that both provisions have merit and have adopted both of them, as well as a provision that would make the Comptroller the chief financial officer of the Department of Defense. Pursuant to the Chief Financial Officers Act (Public Law 101–576), an agency chief financial officer is charged with performing duties that are basically indistinguishable from those the Comptroller of the Department of Defense is required by law to perform.

New position of Under Secretary of Defense for Personnel and Readiness (sec. 903)

The House bill contained a provision (sec. 902) that would create a new position of Under Secretary of Defense for Personnel and Readiness at the Executive Schedule III level and would reduce the authorized number of Assistant Secretaries of Defense from 11 to 10.

The Senate amendment contained no similar provision.

The Senate recedes.

Redesignation of positions of Under Secretary and Deputy Under Secretary of Defense for Acquisition (sec. 904)

The House bill contained a provision (sec. 903) that would change the title of the Under Secretary and Deputy Under Secretary of Defense for Acquisition to the Under Secretary and Deputy Under Secretary of Defense for Acquisition and Technology.

The Senate amendment contained no similar provision.

The Senate recedes.

Assistant Secretary of Defense for Legislative Affairs (sec. 905)

The Senate amendment contained a provision (sec. 901) that would require that one of the Assistant Secretaries of Defense be the Assistant Secretary of Defense for Legislative Affairs.

The House bill contained no similar provision.

The House recedes.

Director of Operational Test and Evaluation (sec. 907)

The House bill contained a provision (sec. 905) that would delete the requirement that the Director of Operational Test and Evaluation (OT&E) report directly, without intervening review or approval, to the Secretary of Defense. The provision also would require the Director of OT&E to consult closely with the Under Secretary of Defense for Acquisition and Technology and all other officers and entities of the Department of Defense responsible for acquisition. The Director and his staff would remain independent of these other officials.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees believe that the OT&E function should be placed under the new Comptroller office as a logical complement to that office's expanded evaluative responsibilities. Accordingly, the conferees direct the Secretary to place the OT&E function in this office. The conferees are willing, however, to review any future legislative proposal to change these organizational arrangements.

Authority for award by National Defense University of certain master of science degrees and congressional findings on professional military education schools (secs. 921 and 922)

The House bill contained a provision (sec. 931) that would authorize the President of the National Defense University to award a master of science degree in national security strategy to graduates of the National War College and master of science degree in national resource strategy to graduates of the Industrial College of the Armed Forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide congressional findings on the primary mission and objectives of the service and joint professional military education schools and the need to maintain separate service and joint schools. Therefore, the conferees direct that no funds appropriated for fiscal year 1994 be obligated for the consolidation of any service professional military education schools under the National Defense University.

The conferees further direct that the regulations the Secretary of Defense prescribes require the National Defense University to satisfy the qualifications of the appropriate regional education accreditation institution before awarding any master of science degrees.

Civilian faculty for the George C. Marshall European Center for Security Studies (sec. 923)

The House bill contained a provision (sec. 934) that would authorize the Secretary of Defense to hire as many civilians as the Secretary considers necessary as professors, instructors, and lecturers at the George C. Marshall European Center for Security Studies.

The Senate amendment contained a provision (sec. 1064) that would also authorize the Secretary of Defense to hire directors, deans, scholars, and researchers.

The Senate recedes with an amendment that would authorize the Secretary of Defense to hire a director and deputy director for the Marshall Center, as an exception to the normal statutory provisions of title 10, United States Code, relating to faculties for Department of Defense educational institutions. This exception is made in recognition of the Marshall Center's unique status. In the future, the conferees are willing to consider the addition of other positions should the Department justify the need for such positions.

Enhanced flexibility relating to requirements for service in a joint duty assignment (sec. 931)

The House bill contained a provision (sec. 946) that would extend the expiring joint equivalency waiver for an additional four years; require that an officer, who is promoted with such a waiver after January 1, 1994, to general or flag officer, serve in a joint duty assignment as a brigadier general or rear admiral (lower half) (0-7); and grant exceptional authority to the Secretary of Defense, on a case-by-case basis, to postpone such a joint duty assignment until such officer is promoted to major general or rear admiral (upper half) (0-8) if necessary due to a lack of available 0-7 joint billets. The provision would further require the Secretary of Defense to certify to Congress that each military service has developed and implemented a plan to adjust their personnel policies to permit the orderly promotion of officers after the extension expires. The provision also would make the expiring transitional "serving in" waiver authority a permanent waiver, provided an officer serves a minimum of six months before selection by an 0-7 promotion board and completes the required two-year minimum tour in that position.

The Senate amendment contained a provision (sec. 1021) that would extend the expiring waiver authority for nuclear propulsion officers for five additional years; extend the expiring joint equivalency waiver for five additional years; make the expiring "serving in" waiver permanent, provided the officer serves at least six months before the promotion board convenes and serves at least two years in an assignment within that same organization; and modify the "good of the service" waiver authority to allow a delay in a joint duty assignment if an appropriate joint duty billet is not available, but require that a full joint duty tour be served prior to promotion to 0-8.

The conferees are disturbed by the failure of the military services to prepare adequately for the expiration of the transitional joint duty waivers in 1994, especially because the transition waivers, originally provided for two years, have already been extended for a total of eight years. The conferees are forced, however, to recognize the need to provide additional flexibility for service in a

joint duty assignment as a prerequisite for promotion to general or flag officer.

Accordingly, the conferees agree to extend the expiring "joint equivalency" waiver for an additional five years, but impose a ceiling on such waivers of twenty percent of the officers selected for promotion during calendar year 1995, with a reduction of five percent per year thereafter. Officers promoted under this extended waiver authority, however, must serve in a joint duty assignment prior to their selection for appointment to lieutenant general or vice admiral (0-9).

The conferees also provide, as a modification to existing law, that until January 1, 1999, officers granted a "good of the service" waiver for promotion to 0-7 may serve the requisite joint duty assignment as a flag or general officer at any time prior to their selection for appointment to 0-9.

The conferees agree to make the current "serving in" waiver permanent, provided that the officer concerned has served a minimum of six months in a joint duty assignment before the promotion board that selects the officer for promotion to 0-7 convenes. Such an officer would have to serve at least two years in joint duty assignments within that same immediate organization.

Finally, the conferees agree to extend the expiring waiver for nuclear propulsion officers for an additional three years. The conferees urge the nuclear propulsion community to continue building on recent progress toward qualifying enough nuclear propulsion officers in joint duty assignments to fully comply with the statutory joint officer policy requirements. The conferees believe that after January 1, 1997, the "good of the service" waiver will be sufficient to meet the needs of nuclear propulsion officers who will not have served in a joint duty assignment by then, particularly in view of other actions taken in this area.

Joint duty credit for equivalent duty in Operation Desert Shield/Desert Storm (sec. 932)

The House bill contained a provision (sec. 946) that would clarify that joint duty credit for equivalent duty in Operation Desert Shield/Desert Storm shall be considered equivalent to joint duty credit derived through any other means provided by authorities in title 10, United States Code.

The Senate amendment contained a provision (sec. 1022) that would similarly clarify the effect of such joint duty credit. The provision also would provide a 60 day period in which the Secretary of Defense could correct inequities resulting from the decisions on prior requests for such credit as well as consider new requests when the Secretary determines that an officer was unable to submit such a request as a result of an operational assignment.

The House recedes with an amendment that would provide a 90 day period in which the Secretary of Defense may correct such inequities.

Flexibility for required post-education joint duty assignment (sec. 933)

The House bill contained a provision (sec. 947) that would provide additional flexibility in the assignment of officers graduating from joint professional military education (JPME) schools by allowing up to one-half of the required 50 percent of officers to fulfill the post-JPME requirements during a second assignment following graduation.

The Senate amendment contained no similar provision.

The Senate recedes.

Reserve command arrangements (sec. 941)

The House bill contained provisions (secs. 921-924) that would require the secretaries of the military departments to establish separate reserve commands reporting directly to the service chiefs of staff.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would amend section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) by making the Army Reserve Command a separate Army command that is commanded by the Chief of Army Reserve, substituting the Commander-in-Chief of the United States Atlantic Command (CINCUSA) for the Commander-in-Chief of the Forces Command (CINCFOR), and repealing subsections (c) through (e) of that section.

The conferees believe that the Army Reserve Command should be a permanent and separate command of the Army. Thus, they recommend repealing those provisions of the National Defense Authorization Act for Fiscal Year 1991 inconsistent with the permanent and separate status of the command.

The substitution of CINCUSA for CINCFOR reflects the recent change in the Unified Command Plan (UCP) whereby Forces Command no longer has "specified" combatant command status. Under the UCP change, the United States Atlantic Command, an existing "unified" combatant command with an area of responsibility of the Atlantic Ocean and the Caribbean Sea, was further invested with the combatant command of Forces Command, Air Combat Command, Navy Atlantic Fleet, and Marine Forces Atlantic. It was also given responsibility for planning the land defense of CONUS and for joint training, force packaging, and facilitating deployments.

The House conferees note that the National Defense Authorization Act for Fiscal Year 1991 directed the Army to establish a Reserve Command for a two-year test period. This compromise agreement further provided that the Army Reserve Command would be subordinate to Forces Command, and would be subject to an assessment by an independent commission established by the Secretary of the Army. In October 1992, the commission issued its assessment and unanimously recommended that the Army Reserve Command become a major Army command that would report to the Army Chief of Staff, a structure similar to that of the Air Force Reserve Command. One agreement reached by the conferees this year provides that the existing Army Reserve Command be a separate Army command. The House conferees note that this incremental step presents the Army with an excellent opportunity to implement the commission recommendations in this area.

Flexibility in administering requirement for annual four percent reduction in number of personnel assigned to headquarters and headquarters support activities (sec. 942)

The House bill contained a provision (sec. 945) that would provide the Secretary of Defense with additional flexibility in reducing the number of personnel assigned to headquarters and headquarters support activities by allowing reductions in excess of the mandated four percent realized in any given year to be applied toward reductions for any succeeding year.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on Department of Defense Bottom Up Review (sec. 943)

The House bill contained a provision (sec. 949) that would require the Secretary of Defense to submit a report in classified and unclassified forms to the congressional defense committees on the Bottom Up Review.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting date and focus the report only on those issues that were not comprehensively addressed in the October 1993 Report on the Bottom Up Review. The Congress received this report after the House passed its bill.

Organization of the Office of the Chief of Naval Operations (sec. 944)

The Senate amendment contained a provision (sec. 903) that would delete the sunset provision in section 5038 of title 10, United States Code, which created the Director of Expeditionary Warfare position in the Office of the Chief of Naval Operations.

The House bill contained no similar provision.

The House recedes.

Increase in amount for CINC Initiative Fund (sec. 945)

The House bill contained a provision (sec. 1008) that would increase the amount requested for the CINC Initiative fund by $5.0 million to $30.0 million.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $30.0 million to be appropriated pursuant to Defense-wide activities for the CINC Initiative Fund.

Commission on roles and missions (secs. 951-960)

The House bill contained provisions (title XIV) that would establish a commission on roles and missions of the armed forces. This action stemmed from a dissatisfaction with the scope of the roles and missions reforms recommended by the Chairman of the Joint Chiefs of Staff earlier this year in his triennial report. The provisions would require the President to appoint commission members for five-year terms. The provisions would also establish procedures by which the commission would annually review the implementing actions of the Department of Defense.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would shorten the commission's term, provide for the appointment of its members by the Secretary of Defense, and delete the requirement for the commission to review the actions of the Department of Defense. The conferees expect the commission to provide an adequate basis for further action on roles and missions and believe that it will energize the Department of Defense to address these issues more comprehensively.

LEGISLATIVE PROVISIONS NOT ADOPTED

Student loads at war colleges and command and staff colleges

The House bill contained a provision (sec. 422) that would require the number of students at the senior war colleges and command and staff colleges to remain at the same level as enrolled on October 1, 1992. The intent was to ensure that enrollment at the colleges would not be reduced as the size of the services decreased.

The Senate bill contained no similar provision.

The House recedes.

The conferees agree on the continuing importance of professional military education (PME), especially at this time of great political change in the world. The end of the Cold War has taken away the certainties that

guided American defense policies for more than two generations. If a smaller military is to handle the challenges of the late 20th and early 21st centuries, it must do so with officers educated to the same high standards as those that exist today.

The conferees are encouraged that the budgeted workload for most of the intermediate and senior level PME schools is higher in fiscal year 1994 than in fiscal year 1992. The conferees agree that quality instructional programs at each of the intermediate and senior level PME schools must remain high and enrollments robust.

The conferees request the Secretary of Defense to submit a report to the congressional defense committees by June 1, 1994 projecting student and faculty size over the period of the future years defense program for each intermediate and senior level service and joint PME school.

Redesignation of Armed Forces Staff College

The House bill contained a provision (sec. 932) that would redesignate the "Armed Forces Staff College" at Norfolk, Virginia, as the "Joint Armed Forces Staff College."

The Senate amendment contained no similar provision.

The House recedes.

Location of the new Joint Warfighting Center

The House bill contained a provision (sec. 933) that would require the new Joint Warfighting Center to be located at the Armed Forces Staff College (AFSC) in Norfolk, Virginia.

The Senate amendment contained a provision (sec. 1086) that would require the Center to be located with the Army Training and Doctrine Command At Ft. Monroe, Virginia.

The conferees agree to delete both provisions.

The conferees are aware that the Department of Defense has decided to locate the Center at Ft. Monroe and accept that decision. The conferees note that there are no current Department of Defense plans to upgrade the wargaming capability at the Armed Forces Staff College. The conferees urge that this situation be corrected and that the Department of Defense, particularly the Chairman of the Joint Chiefs of Staff and the Secretary of the Navy, develop plans for a wargaming capability at AFSC comparable to those at the Army, Navy, and Air Force professional military education schools. The conferees expect the Department of Defense budget for fiscal year 1995 to contain a request for funding to upgrade the wargaming capability at AFSC.

The conferees strongly support the establishment of the Joint Warfighting Center and are confident that it will contribute significantly to improving the development of joint doctrine and the capability of the armed forces to plan and execute combat operations as an integrated team. The conferees believe that the joint professional military education schools of the National Defense University—the National War College, the Industrial College of the Armed Forces, and the Armed Forces Staff College (AFSC)—should have a role in the development of joint doctrine. The conferees note that the AFSC is located in the Tidewater area close to the Joint Doctrine Center that will now be a part of the Joint Warfighting Center, as well as service doctrine development centers. Consequently, the conferees direct that the concept for the Joint Warfighting Center should include strong institutional linkage to the schools of the National Defense University in the area of joint doctrine development.

Assignment of reserve forces

The House bill contained a provision (sec. 941) that would amend existing law to delete the requirement for the assignment of reserve forces to the combatant commands.

The Senate amendment contained no similar provision.

The House recedes.

The House conferees believe that the issue raised by section 941 of the House bill transcends the question of who retains the authority to assign reserve component forces. While section 162(a) of title 10, United States Code, provides that the "secretaries of the military departments shall assign all forces under their jurisdiction to the unified and specified combatant commands," the House conferees believe that the ultimate responsibility and concomitant authority over any unit, reserve or active, that has not attained a specified level of combat preparedness should reside with the service secretaries, consistent with their statutory charter to organize, train, and equip forces under their respective military departments.

Moratorium on merger of Space Command and Strategic Command

The House bill contained a provision (sec. 942) that would place a moratorium on the proposed merger of the U.S. Space Command (SPACECOM) and the U.S. Strategic Command (STRATCOM) until December 1, 1994. The provision also would require the General Accounting Office to conduct a cost-benefit analysis of the proposed merger.

The Senate amendment contained no similar provision.

The House recedes.

The House conferees note that the recommendation to consolidate SPACECOM into STRATCOM, contained in the February 1993 Roles and Mission Report, has been under review by the Joint Staff pursuant to the direction of the Secretary of Defense. The preliminary results of this review indicate that any savings realized from a consolidation would be limited to manpower savings and that similar manpower savings may be achievable without actually merging the commands. The House conferees further note that the Chairman of the Joint Chiefs of Staff has stated that he is not convinced that the proposed merger is a good idea.

The House conferees believe that, should the proposal to merge SPACECOM and STRATCOM be reconsidered in the future, the Department should consider assessing: (1) the associated cost savings; (2) complications resulting from vesting a single organization with the separate functional responsibilities; (3) the impact of such a merger on the organization visibility and priority of space-related issues within the Department of Defense; and (4) the impact of a merger on existing United States-Canada defense agreements.

Report on options for organizational structure for imagery collection functions

The House bill contained a provision (sec. 948) that would require the Secretary of Defense, in consultation with the Director of Central Intelligence, to assess alternative organizational options for the execution of imagery management within the intelligence community. The provision would further restrict the elimination, consolidation, or restructuring of the Central Imagery Office until a report on the assessment is submitted to the Armed Services and Intelligence Committees of the Senate and House of Representatives.

The Senate amendment contained no similar provision.

The House recedes.

TITLE X—ENVIRONMENTAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Modification of annual environmental reports (sec. 1001)

The House bill contained a provision (sec. 381) that would amend the annual Department of Defense reporting requirements for environmental restoration programs. The amendment would require the reports to include the amount of funds obligated for each response action for each facility at a military installation in the preceding year and the anticipated costs of, and progress on, response actions in the next fiscal year. In addition, the amendment would require the report to include a projection of both the cost and the time to complete the response actions at each military installation.

The Senate amendment contained a similar provision (sec. 324) but would include a requirement to identify the funding requirements for environmental restoration during each of the five years following the year covered by the report.

The conferees have combined the two provisions so that the annual reporting requirement will include the features in the Senate and House provisions. The conferees agree, however, that the report should be prepared based on the installation as a whole rather than by facility. The conferees urge the Department of Defense and the military services to have for public review more detailed information on the funding requirements and the progress on the individual environmental restoration actions at the installation.

Annual report on reimbursement of contractor environmental response costs for other than response action contractors (sec. 1001(c))

The House bill contained a provision (sec. 383) that would require the Secretary of Defense to submit an annual report on the amount of payments made or expected to be made to defense contractors for environmental response costs at contractor-owned or -operated facilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the reporting requirement to the 100 companies that receive the largest dollar volume of prime contracts awarded by the Department of Defense during the fiscal year covered by the report. The first report would be due in 1995.

Indemnification of transferees of closing defense property (sec. 1002)

The House bill contained a provision (sec. 382) that would amend section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to: (1) include petroleum products in the materials for which indemnification is provided; (2) indemnity transferees for all damages arising from Department of Defense contractor activities, except the activities of response action contractors; and (3) clarify that the existing law would exclude transferees from indemnification where the transferee's own actions resulted in the contamination of the property.

The Senate amendment contained a similar provision (sec. 327) that would include petroleum products and also, would clarify that the indemnification extends to contractors carrying out defense activities and to transferees who control base closure property through leases.

The conferees agree to delete both provisions and to only amend section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to include

petroleum products in the materials for which indemnification is provided. The conferees believe that the provision would prevent transferees who have caused or contributed to the contamination from being indemnified.

Shipboard plastic and solid waste control (sec. 1003)

The Senate amendment contained a provision (sec. 328) that would establish deadlines beyond which Navy surface ships could no longer dispose of plastics at sea (after 1998) or plastic and wastes other than food wastes in special areas (after 2000) and that would establish a deadline (2008) for submarines. The provision would also establish a number of interim deadlines that would keep the Navy on track to meet the disposal deadlines.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the President to exempt the Navy from compliance with the interim deadlines if the President determines that an exemption is in the national interest. The amendment also would exempt the Navy from compliance with the final deadlines in the event of a declaration of war or national emergency. This provision also would require the Navy to comply with Annex V of the Marpol Convention as expeditiously and as cost-effectively as possible.

Extension of applicability period for reimbursement for certain liabilities arising under hazardous waste contracts (sec. 1004)

The Senate amendment contained a provision (sec. 325) that would extend section 2708 of title 10, United States Code, for three additional years through fiscal year 1996. The provision would require owners and operators of hazardous waste facilities that have contracts with the Department of Defense, and that receive DOD hazardous waste, to reimburse the Department for all liabilities, costs, damages, or fines that are assessed against the Department due to the contractor's breach of contract or negligence.

The House bill contained no similar provision.

The House recedes.

Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense (sec. 1005)

The Senate amendment contained a provision (sec. 326) that would prohibit the Department of Defense from purchasing surety bonds or other financial instruments that guarantee its direct performance.

The House bill contained no similar amendment.

The House recedes.

LEGISLATIVE PROVISION NOT ADOPTED

Funding for environmental restoration at military installations to be closed

The House bill contained a provision (sec. 2813) that would amend section 2906 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510 as amended by section 2827 of Public Law 102-190) to allow funds from sources other than the base closure and realignment accounts to be used for environmental restoration of closing bases.

The Senate contained a similar provision (sec. 323).

The conferees agree to delete both provisions because there are adequate funds in the base closure and realignment (BRAC) accounts for fiscal year 1994 to conduct environmental remediation at closing bases. The conferees believe the BRAC accounts should remain the exclusive source of funding for this purpose.

TITLE XI—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Transfer authority (sec. 1101)

The House bill contained a provision (sec. 1001) that would allow the Department of Defense to transfer up to $2 billion between accounts.

The Senate amendment contained a similar provision (sec. 1001) that would authorize transfer of up to $1 billion.

The Senate recedes.

Clarification of scope of authorizations (sec. 1102)

The House bill contained a provision (sec. 1002) that would specify that no funds are authorized to be appropriated in this act for the Federal Bureau of Investigation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would specify that no funds are authorized to be appropriated under this act for the Department of Justice.

Classified annex (sec. 1103)

There is a classified annex of legislative provisions to this conference report. The classified annex is incorporated by reference into this act and has the force and effect of law. The classified annex is available to the Senate and House of Representatives during consideration of this conference report, and will be made available to the President at the time of presentment of this legislation.

Revision of date for submittal of joint report on scoring of budget outlays (sec. 1104)

The Senate amendment contained a provision (sec. 1002) that would revise the date for submittal of the outlay report required by section 226 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Comptroller General audits of acceptance by Department of Defense of property, services, and contributions (sec. 1105)

The House bill contained a provision (sec. 1004) that would allow the Comptroller General to conduct audits of the Defense Cooperation Account at his discretion.

The Senate amendment contained a similar provision (sec. 1003).

The House recedes with a technical amendment.

Limitation on transferring defense funds to other departments and agencies (sec. 1106)

The House bill contained a provision (sec. 1006) that would require a certification from the Secretary of Defense before funds made available to the Department of Defense could be transferred to any other department or agency.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress concerning defense budget process (sec. 1107)

The House bill contained a provision (sec. 1007) that would express the sense of Congress concerning the defense budget process.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Funding structure for contingency operations (sec. 1108)

The House bill contained a provision (sec. 1008) that would authorize the Secretary of Defense to designate a military operation as a national contingency operation. Congress would be notified about the designation, and the operating units which receive support services from a support unit would not have to reimburse the Defense Business Operations Fund (DBOF) for incremental costs of such support in an amount up to $20.0 million. This amount could be increased by an additional $20.0 million upon the President's notification to Congress. Reimbursement of amounts above $40.0 million could be waived only after 30 days had elapsed since the Presidential notification and a joint resolution precluding obligation in excess of $40.0 million had not been enacted by Congress under expedited procedures, unless the President declared a national emergency. The provision would require Presidential notification of a funding plan within two months of the beginning of a large-scale or long-term national contingency operation. Finally, the provision also would establish a "National Contingency Operation Personnel Fund" and authorize $10.0 million for the fund for fiscal year 1994.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to designate a military operation as a national contingency operation. This designation would permit operating units not to reimburse support units that operate through the Defense Business Operations Fund. The total unreimbursed funds resulting from such action would be limited to $300.0 million at any one time. The amendment would require the Secretary of Defense to submit a financial plan to Congress within two months after the beginning of any military operation designated as a national contingency operation. The sum of $10.0 million would be authorized to be appropriated for a fund, to be known as the National Contingency Operation Personnel Fund, for the incremental military personnel costs attributable to a national contingency operation. The amendment also would define the term "national contingency operation."

The conferees are deeply concerned over the cumulative negative impact the practice of diverting service operation and maintenance funds to finance unbudgeted contingency operations is having on overall military readiness. The conferees urge the Secretary of Defense to take full advantage of the authority provided by this provision to shield, whenever possible, service training and exercise accounts from the fiscal pressures created by the growing scope and number of unbudgeted contingency operations.

The conferees, however, intend this authority to be utilized only to cover the initial incremental costs of a military operation and not as a permanent alternate funding mechanism. The conferees do not want to jeopardize the integrity of the DBOF and want it clearly understood that the DBOF must be reimbursed through reprogrammings, transfers, supplemental appropriations, foreign contributions (as was done in Operation Desert Shield/Desert Storm), or some other funding means.

Authority for obligation of certain unauthorized fiscal year 1993 defense appropriations (sec. 1111)

The Senate amendment contained a provision (sec. 1011) that would authorize the obligation of $4.3 billion in programs, projects, and activities for which the fiscal year 1993 appropriations exceeded the authorized amounts.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Obligation of certain appropriations (sec. 1112)

The Senate amendment contained a provision (sec. 1012) that would prohibit the obligation of $805.5 million in programs, projects, and activities for which fiscal year 1993 appropriations exceeded the authorized amounts.

The House bill contained no similar provision.

The House recedes with an amendment that would give the Secretary of Defense the discretion to award contracts for earmarked university research initiative projects using merit-based selection procedures.

Supplemental authorization of appropriations for fiscal year 1993 (sec. 1113)

The Senate amendment contained a provision (sec. 1014) that would authorize supplemental appropriations for fiscal year 1993 for the costs of Operation Restore Hope in Somalia, Operation Southern Watch in Iraq, and other matters.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Support for law enforcement (sec. 1121)

The House bill contained a provision (sec. 1021) that would extend DoD support for law enforcement authorities contained in section 1004 of the National Defense Authorization Act for Fiscal Year 1991 through fiscal year 1995 and authorize $40.0 million for support of law enforcement agencies for fiscal 1994.

The Senate amendment contained a provision (sec. 1061) that would amend section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 to authorize aerial and ground reconnaissance.

The conferees agree that support for law enforcement authorities should be extended through fiscal year 1995 and authorize $40.0 million for such support during fiscal year 1994. The conferees further agree to amend section 1004(b) to authorize aerial and ground reconnaissance.

The conferees note that this reconnaissance authority is consistent with previous amendments to section 1004 of the National Defense Authorization Act for Fiscal Year 1991. An amendment to section 1004 by the National Defense Authorization Act for Fiscal Year 1993 has inadvertently prevented the Department from continuing activities within the United States, such as aerial reconnaissance of public lands to detect illicit narcotics production and processing. The conferees do not intend for this provision to expand significantly the Department of Defense's current authority to conduct operations outside of the United States. To the extent that this authority is used for operations outside the United States, the conferees expect the Department to notify the appropriate congressional committees, as is currently the practice with respect to the use of authorities contained in sections 1004(b)(3), (4), and (5).

DEMAND REDUCTION ACTIVITIES

The conferees are aware that the Department plans to increase its demand reduction pilot outreach activities pursuant to the authority provided in section 1045 of the National Defense Authorization Act for Fiscal year 1993. The conferees encourage the Secretary to continue to pursue the innovative utilization of material, services, and personnel to carry out demand reduction activities in areas beyond the vicinity of military installations and National Guard facilities.

AIR RECONNAISSANCE LOW (ARL) TRANSFERS

As described elsewhere in this statement of managers, the conferees agree to transfer the procurement and the research and development portions of the ARL program from the counter-drug activities account to the Army. Additionally, the conferees agree to add $14.0 million to the operation and maintenance funding in the counter-drug activities account for that program.

DRUG CONTROL STRATEGY

On October 20, 1993, after the Senate and House of Representatives had passed their bills, the Director of the Office of National Drug Control Policy (ONDCP) announced an interim national drug control strategy. In response to the interim strategy and the findings of an internal DOD comprehensive review, the Deputy Secretary of Defense issued new guidance for implementation of the national drug control policy on October 28, 1993.

The new guidance refocuses DOD interdiction efforts from the transit zone to the cocaine source nations and reaffirms efforts to support counter-drug law enforcement agencies and demand reduction, including an expansion of the community outreach programs that target "at-risk" youth.

The conferees are particularly encouraged with the planned redirection of counter-drug resources to support domestic law enforcement efforts. DOD support for counter-drug law enforcement, such as found along the southwest border of the United States, should receive priority consideration as the Administration and the Department continue to refine the national drug control policy.

This overall redirection should enable the Department to carry out its counter-drug efforts at far lower cost, thus allowing a reduction in the country-drug budget. Accordingly, the conferees reduce the requested funding for the counter-drug budget by $300.0 million. The table that follows details the action taken by the conferees.

Drug Interdiction and Counter-Drug Activities (Operation and Maintenance)

[In thousands of dollars]

Fiscal year 1994 drug interdiction and counter-drug activities, O&M request	$1,168,200
Reductions:	
Project 2314 (T) air reconnaissance low (proc,R&D)	49,898
Project 2306 sea-based aerostat (SBA)	25,544
Navy ship OPTEMPO (due to T-AGOS)	27,000
Air Force and Navy OPTEMPO (transit zone)	70,000
Project 4207 Caribbean Basin radar network	5,100
Project 1401 (T) Defense Mapping Agency MC&G	8,100
Procurement (transit zone)	15,000
Research and development (transit zone)	4,000
Command, control, & communications (transit zone)	10,000
Management support and training (transit zone)	10,000
At the source (other than Peru, Columbia, and Bolivia)	30,000
Project 4130 (T) Nortic AF SPACECOM	1,500
Project 4123 (T) JEWC CD support	1,000
Project 4420 AFOSI CD support	1,300
Project 3220 E2C SATCOMMs	2,383
Project 3435 NCIS CD support	500
Project 1358 (T) PERIGREE	491
Project 4000 USAFR (less C-130 upgrade)	9,300
Project 3307 JTF-5 CIVPAY	1,725
Project 3323 (T) CDAT	409
Project 3317 (T) OPUS COMM support program	150
Project 3309 JTF-5 base support	1,424
Project 1308 (T) Portable Navy COMMINT	9,954
Project 1407 (T) Passive coherent location	3,875
National interagency CD inst	5,400
Project 1312 (T) Drug emitter tracking	2,950
Project 4104 (T) NORAD CD support	3,000
Project 1402 CD INFO SYS & TELECOMM R&D	1,000
Project 5202 CD INFO & TELECOMM IMP	1,700
Project 3339 (T) JMIE SPT SYS (JSS) PROG	3,200
Project 1321 (T) ANDVT air terminal	2,750
Project 3358 (T) NAVMARINTCEN CD program	2,400
Project 1363 (T) TESON	7,850
Project 1322 (T) LPI RADIO	1,175
Project 4120 (T) LANT deployable radars	8,600
AIRNG OPS OPTEMPO (Title 10)	8,600
AIRNG support	10,646
Project 1318 (T) TAGGANT	2,575
Undistributed reduction	18,699
Total decreases	369,198
Increases:	
ROTHR	10,000
Project 2314 (T) air reconnaissance low (O&M)	14,000
Project 1403 counter-drug R&D	15,000
Demand reduction military departments	10,000
Demand reduction National Guard	8,000
Project 9499—additional support for counter-drug activities (sec. 1004)	12,198
Total increases	69,198
Fiscal Year 1994 drug interdiction and counter-drug activities, O&M budget	868,200

Procurement of law enforcement equipment (sec. 1122)

The House bill contained a provision (sec. 1023) that would require the Secretary of Defense to establish procedures under which states and local governments may purchase law enforcement equipment in conjunction

with the Department of Defense. The procedures would require advance payment for such equipment and reimbursement of the Department's administrative costs. Additionally, the purchasing states would be responsible for arranging and paying for shipment of the equipment to the localities within the state.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the purchases to law enforcement equipment suitable for counterdrug activities and preclude equipment that the Department of Defense does not procure for its own purposes.

Review of Air Force plans to transfer heavy bombers to reserve component units (sec. 1131)

The Senate amendment contained a provision (sec. 1031) that would require the Secretary of Defense to review current Air Force plans for transferring a portion of the current heavy bomber inventory to Air National Guard and Air Force Reserve units. The provision would require the Secretary to report to the congressional defense committees on the results of his review.

The House bill contained no similar provision.

The House recedes.

Award of the Navy Expeditionary Medal (sec. 1142)

The Senate amendment contained a provision (sec. 1080) that would express the sense of the Senate that the Secretary of the Navy award the Navy Expeditionary Medal to those members who served in Task Force 16 during April 1942, which culminated in the air raid known as the "Doolittle raid on Tokyo".

The House bill contained no similar provision.

The House recedes.

Award of gold star lapel buttons to survivors of servicemembers killed by terrorist acts (sec. 1143)

The House bill contained a provision (sec. 1033) that would amend section 1126 of title 10, United States Code, to authorize the award of the gold star lapel button to survivors of servicemembers who lose or lost their lives after March 28, 1973 in terrorist acts or attacks; or military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.

The Senate amendment contained no similar provision.

The Senate recedes.

Termination of certain Department of Defense reporting requirements (sec. 1151)

The Senate amendment contained a provision (sec. 1091) that would require the Secretary of Defense to submit, no later than April 30, 1994, a list of the reports required of the Department of Defense by law that the Secretary determines are unnecessary or incompatible with efficient management. The provision would specify that, unless reenacted into law, the requirement for any report included on the list would expire on October 30, 1995.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) require the Secretary of Defense to explain the Secretary's reasons for considering a report unnecessary or incompatible with efficient management; and (2) specify that nothing in the section shall be interpreted to require a review of all reports required of the Department of Defense by law.

Reports relating to certain special access programs and similar programs (sec. 1152)

The House bill contained a provision (sec. 3131) that would improve congressional oversight of Department of Energy special access program carried out under the Department's atomic energy defense activities.

The Senate amendment contained a provision (sec. 1092) that would direct the head of any federal department or agency that carries out a special access program to submit to the appropriate congressional oversight committees, in conjunction with the submission of a budget for the next fiscal year, a report on each special access program carried out in the department or agency.

The House recedes with an amendment that would allow the Department of Defense, the Department of Energy, and the intelligence community to continue to report on special access programs in accordance with existing law.

The conferees intend these provisions to improve and make uniform congressional oversight of special access programs uniform by requiring that comprehensive data on all special access program be reported to Congress. The conferees encourage the heads of the various covered federal departments and agencies to coordinate and follow the Department of Defense's lead in the preparation and submission of these reports in a uniform manner.

Identification of service in Vietnam in the computerized index of the National Personnel Records Center (sec. 1153)

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to include in the computerized index of the National Personnel Records Center in St. Louis, Missouri, an indicator to allow for searches or selection of military records of military personnel based upon service in the Southeast Asia theater of operations during the Vietnam conflict.

The Senate amendment contained no similar provision.

Recognizing the jurisdictions of the Department of Defense and the National Personnel Records Center, the Senate recedes with an amendment that would require the Secretary to assist the Center to establish an indicator in the computerized index. The amendment would also require the Secretary of Defense to submit to Congress a report, within 180 days after the date of enactment of this act, with a plan to establish the required indicator.

Manpower requirements to implement export controls (sec. 1154)

The Senate amendment contained a provision (sec. 1062) that would require the Secretary of Defense and the Secretary of Energy to submit a joint report to Congress 180 days after enactment of this act. The report would include a statement of the DOD and DOE role in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons. The report would include information on the number of personnel and the skills of currently available personnel to perform these tasks; historical information from previous fiscal years; and recommendations for legislation to eliminate deficiencies and to improve interagency coordination.

The House bill contained no similar provision.

The House recedes.

Report on military food distribution practices (sec. 1155)

The Senate amendment contained a provision (sec. 1081) that would require the Secretary of Defense to conduct a review which evaluates the feasibility of and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users.

The House bill contained no similar provision.

The House recedes.

Extremely low frequency communications system (sec. 1161)

The Senate amendment contained a provision (sec. 1072) that would express the sense of Congress that the Secretary of Defense should evaluate low frequency (ELF) communications system and any alternatives; that the Secretary should convey the results of this evaluation to Congress along with the fiscal year 1995 budget request; and that the ELF system should again be considered in the next round of military base closures.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to require a report on the evaluation described in the Senate provision and delete the findings relating to funding priorities and the size of the national debt.

Importance of naval oceanography survey and research in the post-Cold War period (sec. 1162)

The Senate amendment included a provision (sec. 1074) that would express the sense of Congress that additional reductions in the level of oceanographic survey and research efforts should be avoided.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding U.S. policy on reprocessing spent fuel (sec. 1163)

The House bill contained a provision (sec. 1047) that would express the sense of Congress that the start-up or continued operation of any plutonium separation plant presents serious environmental hazards and increases the risk of proliferation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the President should urge the reduction or cessation of spent commercial nuclear reactor fuel reprocessing to recover plutonium for reactor fuel until the environmental and proliferation concerns related to such reprocessings have been resolved.

Prevention of entry into the United States of certain former members of the Iraqi armed forces (sec. 1164)

The Senate amendment contained a provision (sec. 1082) that would express the sense of the Senate that certain former members of the Iraqi armed forces should not be admitted into the United States unless the President made certain certifications to Congress.

The House bill contained no similar provision.

The House recedes. The House conferees note that the Senate provision expresses the "sense of the Senate". As such, it is neither binding law nor an attempt to amend existing immigration laws.

Memorial to U.S.S. Indianapolis (sec. 1165)

The House bill contained a provision (sec. 1040) that would designate the memorial to the U.S.S. *Indianapolis* in Indianapolis, Indiana as the national memorial to the U.S.S. *Indianapolis*.

The Senate amendment contained a similar provision (sec. 1066).

The House recedes with a technical amendment.

Procedures for handling war booty (sec. 1171)

The House bill contained a provision (sec. 1031) that would establish standards for the taking of battlefield souvenirs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish standards and procedures governing the taking and disposition of battlefield souvenirs.

Transportation of cargoes by water (sec. 1173)

The Senate amendment contained a provision (sec. 1070) that would require the Department of Defense to consider the transportation and distribution capabilities of privately owned U.S. flag merchant vessels when studying DOD sealift and related intermodal transportation requirements. The provision also would require the Secretary of Defense to certify to the Secretary of Transportation at least annually that the Department of Defense had afforded these operators an opportunity to present information on these capabilities.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees agree that there is no reason for the Secretary of Defense to make such a certification to the Secretary of Transportation.

Modification of authority to conduct National Guard civilian youth opportunities program (sec. 1174)

The House bill contained a provision (sec. 1036) that would clarify that the 10-state limitation on the conduct of the National Guard civilian youth opportunities program, authorized by section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), would not apply to short-term urban youth corps and youth conservation corps programs operated under the auspices of the National Guard. The House provision would clarify that the territories and the Commonwealth of Puerto Rico would be eligible to be included in the program, and that the Department of Defense may advance funds to the states in accordance with usual practices applicable to such assistance programs.

The Senate amendment contained a similar, broader provision (sec. 1063) that would amend the National Guard civilian youth opportunities program to remove the requirement that the program be limited to 10 states. It would also authorize the Department of Defense to use, in fiscal year 1994, funds authorized and appropriated for this program in fiscal year 1993.

The House recedes with an amendment that would delete the authority in the Senate provision to use, in fiscal year 1994, funds authorized and appropriated for this program in fiscal year 1993. The conferees understand that the fiscal year 1993 funds for the program will be fully utilized. In the future, the conferees expect the Department of Defense to seek adequate appropriations in future budgets for the conduct of this program.

Effective date for changes in Servicemen's Group Life Insurance Program (sec. 1175)

The Senate amendment contained a provision (sec. 1079) that would establish that the effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program (SGLI) be based on the date and time according to the time zone immediately west of the International Date Line.

The House bill contained no similar provision.

The House recedes noting that this provision passed the House of Representatives as a separate bill (H.R. 2647) on August 2, 1993.

Burial of remains at Arlington National Cemetery (sec. 1176)

The Senate amendment contained a provision (sec. 1071) that would make eligible for burial in Arlington National Cemetery, Virginia, any former prisoners of war who, having served honorably in active military, naval or air service, die on or after the date of enactment of this act.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Redesignation of Hanford arid lands ecology reserve (sec. 1177)

The House bill contained a provision (sec. 1046) that would change the name of the Hanford Arid Lands Ecology Reserve in Richland, Washington, to the "Fitzner/Eberhardt Arid Lands Ecology Reserve."

The Senate amendment contained no similar provision.

The Senate recedes.

Aviation leadership program (sec. 1178)

The House bill contained a provision (sec. 1049) that would authorize the Secretary of the Air force to establish and maintain an aviation leadership program to provide undergraduate pilot training and necessary related training to selected personnel of the air forces of friendly, less-developed foreign nations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that this program should be carried out under regulations prescribed by the Secretary of Defense.

Administrative improvements in Goldwater Scholarship and Excellence in Education program (sec. 1179)

The Senate amendment contained in a provision (sec. 1065) that would amend the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661; 20 U.S.C. 4703) by deleting the requirement that the Goldwater Scholarship Foundation maintain an office in Washington D.C. and allowing it to maintain its office in the metropolitan Washington, D.C. area. In addition, the provision would permit a member of the Foundation board of trustees to continue to serve as a member of the board until a successor is appointed.

The House bill contained no similar provision.

The House recedes.

Transfer of obsolete destroyer tender Yosemite (sec. 1180)

The Senate amendment contained a provision (sec. 1069) that would permit the Secretary of the Navy to transfer the obsolete destroyer tender Yosemite to a nonprofit organization. This transfer would be made subject to such terms and conditions that the Secretary considers appropriate.

The House bill contained no similar provision.

The House recedes.

Transfer of obsolete heavy cruiser U.S.S. Salem (CA-139) (sec. 1181)

The conferees agree to a provision that would permit the Secretary of the Navy to transfer the obsolete heavy cruiser U.S.S. *Salem* (CA-139) to the United States Naval Shipbuilding Museum in Quincy, Massachusetts. The Secretary would be required to determine that: (1) the ship is environmentally safe; (2) the museum has adequate financial resources to maintain the cruiser in a satisfactory condition; and (3) the ship is of no further use to the United States for national security purposes. The Secretary could also require such additional terms and conditions as he deems appropriate.

Technical amendments (see. 1182)

The Senate amendment contained a provision (sec. 1090) that would codify and clarify certain provisions oflaw and make certain technical amendments.

The House bill contained no similar provision.

The House recedes with an amendment.

Security clearances for civilian employees (sec. 1183)

The House bill contained a provision (sec. 943) that would require the Department of Defense to provide DOD civilian employees with the same procedural safeguards that are available to employees of defense contractors with respect to revocation or denial of a security clearance. The procedural safeguards provided to employees of DOD contractors are set forth in Executive Order 10865. The Executive Order was issued in 1960 in response to the decision of the Supreme Court in *Greene* v. *McElroy*, 360 U.S. 474 (1959). The Executive Order does not apply to civilian employees of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to review the procedural safeguards available to DOD civilian employees facing denial or revocation of security clearances. The purpose of the review is to evaluate the procedural rights of DOD civilian employees in view of the fact that certain other federal employees, as well as DOD contractor employees, are afforded a greater degree of procedural protection in such proceedings.

The conference agreement would require the Secretary to address the fundamental procedural rights at issue in security clearance denials and revocations in view of the substantive differences between: (1) the rights provided to DOD civilian employees and DOD contractor employees; (2) the rights provided to DOD civilian employees and similarly situated civilian employees in other government agencies; and (3) the rights provided to both DOD civilian employees and contractor employees with respect to collateral security clearances and with respect to sensitive compartmented information and special access programs.

The conference agreement would require the Secretary to transmit his report to the Congress not later than March 1, 1994. The agreement also would require the Secretary to issue regulations revising security clearance procedures for DOD civilian employees not later than May 15, 1994.

The conferees direct the Secretary to ensure that the review specifically address each of the following procedural safeguards in the context of the denial or revocation of security clearances with respect to civilian employees of the Department of Defense: (1) notice of the reasons for the proposed denial or revocation; (2) an opportunity to respond; (3) the right to a hearing or other appearance before a tribunal; (4) the right to be represented by counsel; (5) the availability of trial-type procedures, such as the opportunity to present and cross-examine witnesses; and (6) the opportunity to appeal any

final decision. If the Secretary determines that DOD civilian employees should not be provided with procedural rights that are as protective as those afforded to DOD contractor employees with respect to any of the foregoing matters, the Secretary's rationale for each such difference should be set forth in the report.

The conferees note that the subject of security clearances within the Department of Defense is undergoing detailed review by the Joint Security Commission established by the Secretary of Defense and the Director of Central Intelligence, which is scheduled to complete its work by February 1, 1994. The conferees agree that the Secretary should obtain the Commission's views on the issues set forth in the conference agreement, but note that the final responsibility for addressing these issues and issuing implementing regulations rests with the Secretary.

Videotaping of investigative interviews (sec. 1184)

The House bill contained a provision (sec. 944) that would require the Secretary of Defense to carry out a program for videotaping subject and witness interviews by military criminal investigating organizations, as determined appropriate by the Secretary. The House bill would make $2.5 million available for this program from funds authorized for operation and maintenance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize use of operation and maintenance funds for videotaping investigative interviews. The conferees also direct the Secretary of Defense to prescribe regulations establishing DOD policy on videotaping interviews in connection with both criminal and administrative investigations not later than March 1, 1994.

Investigations on deaths of members of the armed forces from self-inflicted causes (sec. 1185)

The House bill contained a provision (sec. 950) that would require the Department of Defense Inspector General to reinvestigate certain cases where members of the armed forces died from self-inflicted wounds.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to review the military departments' procedures to investigate the deaths of members of the armed forces from self-inflicted causes. The conferees agree that this review could be undertaken as part of the general review of DOD investigative procedures directed by the conference report on the National Defense Authorization Act for Fiscal Year 1993 (H. Rept. 102-966) or as a separate review.

The conference agreement also would establish standards and procedures for the review and reinvestigation by the Department of Defense Inspector General of previous cases where members of the armed forces died from self-inflicted causes. In addition, the conference agreement would require the Secretary of Transportation to establish similar standards and procedures for the Coast Guard.

Defense export loan guarantees (sec. 1186)

The House bill contained a provision (sec. 1360) the would prohibit the use of defense conversion funds to finance (either directly or through the use of loan guarantees) the sale or transfer of any defense articles or services to foreign countries. The provision would authorize the Secretary of Defense to exempt the sale or transfer of defense articles or services for civilian end-use from this restriction.

The Senate amendment contained a provision (sec. 1052) that would authorize a one-year program of loan guarantees for defense exports to NATO members, Israel, Australia, Japan, and South Korea.

The House recedes with an amendment that would specify that none of the funds authorized in this act for defense conversion, reinvestment, and transition programs may be used to finance the subsidy cost of the loan guarantees issued under this provision. The amendment would also provide that the President may not issue guarantees unless, not later than 180 days after this act is enacted that, he certifies to Congress that: (1) he intends to issue loan guarantees under this section; (2) the exercise of the loan guarantee authority is consistent with the objectives of the Arms Export Control Act; and (3) the exercise of the loan guarantee authority is consistent with the U.S. policy on conventional arms sales and nonproliferation goals.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on Department of Defense counter-drug program

The House bill contained a provision (sec. 1022) that would require the Secretary of Defense to submit to Congress a report evaluating the consistency of the drug interdiction and counter-drug activities undertaken or supported by the Department with the national drug control strategy required to be submitted to Congress in 1994. The provision also would prohibit the expenditure of 25 percent of the Department's counter-drug budget until the Secretary of Defense certified that the Department's counter-drug program was consistent with the revised national drug control strategy.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that this provision is no longer necessary in light of the recent interim national drug control strategy, the Department of Defense's comprehensive review of the DOD counter-drug program, and the new Department of Defense guidance for implementation of the national drug control policy.

The conferees note that the Department's comprehensive review of the DOD counter-drug program recommended a study of the number of CINC's with primary responsibility for counter-drugs, and all counter-drug intelligence functions, with a focus on consolidating intelligence activities and reducing personnel and resources. The conferees agree that recommendation and believe that counter-drug tactics and doctrine should also be evaluated. Accordingly, the conferees request the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commander in Chief, U.S. Atlantic Command, and the Commander in Chief, U.S. Southern Command, to provide the congressional defense committees with a review of counter-drug operational structure, tactics and doctrine, and intelligence functions and centers.

Meeting of Interallied Confederation of Reserve Officers

The House bill contained a provision (sec. 1037) that would express the sense of Congress welcoming the attendees at a meeting of the Interallied Confederation of Reserve Officers.

The Senate amendment contained no similar provision.

The House recedes.

Requirement for transfer of air refueling aircraft to Reserve components of the Air Force

The Senate amendment contained a provision (sec. 1032) that would require that the Secretary of the Air Force to transfer enough KC-135R tanker aircraft from active component squadrons to the Reserve components to modernize two KC-135E squadrons.

The House bill contained no similar provision.

The Senate recedes.

The conferees have finally received the tanker force study required by the statement of managers (H. Rept. 102-966) accompanying the National Defense Authorization Act for Fiscal Year 1993. Although the report was submitted months late, the conferees understand that it was not based on the results of the Bottom-Up Review (BUR). The conferees expect the Department to adjust its tanker force structure in the future years defense program to reflect the BUR results.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cooperative threat reduction with states of the former Soviet Union (secs. 1201-1209)

The budget request contained $400.0 million for cooperative threat reduction with states of the former Soviet Union, continuing the programs authorized under the Former Soviet Union Demilitarization Act of 1992 (title XVI of Public Law 102-484) and the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228).

The House bill recommended the amount requested and contained findings (sec. 1202), program authorities (sec. 1203), and notification and reporting requirements (secs. 1205 and 1207) similar to those of the past two years. The House bill also contained a provision (sec. 1206) that would authorize $979.0 million from fiscal year 1993 defense accounts for assistance to the independent states of the former Soviet Union, the amount provided for such purposes from defense accounts in the Foreign Operations Appropriations Act for Fiscal Year 1994.

The Senate amendment contained provisions (title XI) that, in addition to the provisions in sections 1202, 1203, 1205 and 1207 of the House bill, would authorize programs to house military personnel released from military service in connection with the basic purposes of the title. The Senate amendment contained no provision similar to section 1206 of the House bill.

The conferees agree to combine the provisions of the House bill and the Senate amendment. The conferees are pleased that, for the first time, the budget request included funding for cooperative threat reduction with states of the former Soviet Union. Previously, these programs were established and continued only at congressional initiative.

The conferees believe that the main focus of the programs authorized under this title must be on the dismantling and nonproliferation of weapons of mass destruction. The conferees agree that carefully measured programs for defense conversion, environmental restoration, and housing may be required in specific instances to accomplish these goals. At the same time, the conferees believe strongly that funds authorized under this title for conversion, environmental clean-up, and housing should be utilized only when essential to demilitarization, and only when no funds are available for such programs. In the case of environmental restoration and housing, the conferees insist that

the Administration make every effort to draw upon $190.0 million appropriated for housing programs in support of troop withdrawals, and the $285.0 million appropriated to assist environmental restoration in the Foreign Operations Appropriations Act for Fiscal Year 1994.

The conferees agree that prudent U.S. assistance in demilitarizing defense industries in the former Soviet Union is in U.S. national security interests, and have included a provision that would authorize a demilitarization enterprise fund to facilitate such assistance. The conferees request the Administration to make every effort to utilize funds available in the Foreign Operations Appropriations Act for Fiscal Year 1994 and in the Freedom Support Act to assist defense conversion, which is vital to privatization, economic reform, and demilitarization.

The conferees urge the Administration to ensure that all aspects of U.S. assistance to the countries of the former Soviet Union are coordinated so that they are internally consistent, carefully prioritized, and mutually reinforcing. To this end, the conferees enjoin the Administration to coordinate the programs authorized under this title with all other relevant activities of the U.S. government.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense conversion, reinvestment, and transition assistance programs (sec. 1302)

The House bill contained a provision (sec. 1302) that would summarize the amounts authorized for defense conversion, reinvestment, and transition assistance programs. The House provision would authorize $2.735 billion for these programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree to authorize $2.553 billion for defense conversion, reinvestment, and transition assistance programs. The categories in the following table are from the Administration's May 4, 1993 budget presentation in this area.

FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS IN FISCAL YEAR 1994

[In millions of dollars]

	DEFENSE TECHNOLOGY CONVERSION & REINVESTMENT (FUNDING SOURCE)	Conference
PE 603570E	TRP/Dual-Use Partnerships (R&D)	624.000
	Shipbuilding Initiative (Procurement & R&D)	197.000
	[Other Technology Reinvestment Programs, Subtotal]	[1,397.315]
	of which:PE 602301EComputing & Communications (R&D)	
PE 602301E	Computing & Communications (R&D)	326.318
PE 603745E	SEMATECH (R&D)	90.000
PE 603226E	Major Innovative Technologies (R&D)	54.000
PE 602708E	Integrated Command and Control Technology (R&D)	100.000
PE 602712E	Materials & Electronics Technology (R&D)	260.000
PE 603739E	Electronics Manufacturing/Lithography (R&D)	342.340
PE 601101E	Defense Research Sciences (R&D)	79.657
	Small Business Innovative Research (SBIR) (R&D)	[1] 145.000
	Subtotal	2,218.315

[1] Figure represents only that part of SBIR program counted as part of technology reinvestment.

PERSONNEL TRANSITION ASSISTANCE (FUNDING SOURCE)	Conference
Troops to Teachers (O&M)	[1] (10)
Troops to Law Enforcement & Health Care (O&M)	[1] (10)
Environmental Training Grant for Higher Ed Institution (O&M)	[1] (10)
Environmental Clean-up Placement for Veterans (O&M)	[1] (10)
Occupational Conversion & Training (VA) (O&M)	25
Separation Pay & Health Benefits (O&M)	100
Transition & Relocation Assistance (O&M)	67
Temporary Early Retirement (PER)	(319)
Environmental Training for DOD Civilians (est.) (O&M)	[1] (8)
Regional Clearing House (O&M)	[1] (10)
Subtotal	192
COMMUNITY ASSISTANCE (FUNDING SOURCE)	
Office of Economic Adjustment (O&M)	70.000
Junior ROTC (O&M)	73.000
Subtotal	143.000
Total authorized	2,553.315
Total (including early retirement and other personnel assistance	2,930.315

[1] To be supported out of unobligated funds appropriated for defense conversion in FY 1993 to DOD and Department of Labor.

Annual report on defense conversion, reinvestment, and transition assistance programs (sec. 1303)

The House bill contained a provision (sec. 1303) that would require the Secretary of Defense to prepare an annual report assessing the effectiveness of the defense conversion, reinvestment, and transition assistance programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees urge the Secretary of Defense to make maximum use of information generated in the course of complying with this provision to improve the internal administration and effectiveness of conversion programs.

Funding for defense conversion and reinvestment research and development programs (sec. 1311)

The House bill contained a provision (sec. 1311) that would authorize $624.0 million for specific research and development programs in the defense conversion and reinvestment program.

The Senate amendment contained a similar provision (sec. 204) that would authorize $615.0 million.

The conference agreement includes a provision that would authorize $624.0 million as follows:

Program	*Millions*
Dual-use critical technology partnerships	$250
Commercial military integration partnerships	75
Regional technology alliances	75
Advanced manufacturing technology partnerships	50
Manufacturing engineering education grants	24
Manufacturing extension	30
Dual-use extension assistance programs	30
Agile manufacturing program	50
Advanced materials partnerships	30
U.S.-Japan management training program	10
Total	624

Repeal and amendment of certain provisions relating to defense technology base, reinvestment, and conversion (sec. 1312)

The House bill contained a provision (sec. 1312) that would repeal certain sections of the defense conversion program in title 10, United States Code, as well as strike references in the law to the National Technology and Industrial Base Council.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the President to assign the duties of the National Technology and Industrial Base Council to another interagency organization in the Executive Branch.

Expansion of objectives of defense technology reinvestment projects (sec. 1313)

The House bill contained a provision (sec. 1313) that would expand the objectives of the technology reinvestment portion of the defense conversion program to include economic security objectives listed in section 2501(b) and (c) of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Defense dual-use assistance extension program (sec. 1314)

The House bill contained a provision (sec. 1316) that would expand the small business loan guarantee program under the defense dual-use assistance extension program (10 U.S.C. 2524) to include medium-sized business concerns. The provision would also amend section 2524 to specify the details of terms and conditions for guarantees under the program.

The Senate bill contained no similar provisions.

The Senate recedes with an amendment. The conferees agree to provide $30.0 million for the defense dual-use extension program of which up to $15.0 million may be used to fund the loan guarantee provisions of the program and up to $15.0 million may be used to support information resource services for small businesses.

The conferees note that the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) authorized $200.0 million for the various programs under section 2524 of which $75.0 million was to be for small business assistance programs. However, only $97.00 million was appropriated for the section 2524 programs and no funds were made available for the loan guarantee program authorized by section 2524.

Among the programs noted in the statement of managers accompanying the conference report (H. Rept. 102-966) was the Small Business Administration's (SBA) defense economic transition assistance loan guarantee program (15 U.S.C. 636(a)(21)), which was added to the Small Business Administration's existing guaranteed loan program in September 1992 as part of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (Public Law 102-366). Also noted was the SBA small business development center program, a national network of university-based business assistance centers, whose charters (15 U.S.C. 648(c)(3)(G)) were amended by Public Law 102-366 to authorize them to furnish small firms with strategic business planning assistance to adjust to the closure or reduction of a DOD facility, or termination of a DOD program on which the firm was a contractor, subcontractor, or supplier.

Consistency in financial commitment requirements of non-federal government participants in technology reinvestment projects (sec. 1315)

The House bill contained a provision (sec. 1317) that would require that the federal cost of partnerships conducted under the technology reinvestment projects not exceed 50 percent of the total. The provision would allow the Secretary of Defense to increase the percentage of the federal cost share to 70 percent in the case of a partnership with small business concerns. Finally, the provision would authorize the use of funds derived by small businesses from the small business innovative research (SBIR) program or the small business technology transfer (SBTT)

program to meet non-federal cost share requirements under a partnership.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees do not believe that a change in the cost share ratio in favor of small business is necessary given the extent of small business participation in technology reinvestment projects thus far. The conferees agree to authorize the Secretary of Defense to permit SBIR and SBTT funds to count as part of the small business non-federal cost share.

Additional criteria for the selection of regional technology alliances (see. 1316)

The House bill contained a provision (sec. 1318) that would create additional criteria for the Secretary of Defense to consider in awarding financial assistance to regional technology alliances.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Conditions on funding of defense technology reinvestment projects (sec. 1317)

The House bill contained a provision (sec. 1314) that would specify focus areas for the Secretary of Defense to use in funding technology reinvestment projects in fiscal year 1994. The provision would also, among other things, require limitations on manufacturing resulting from technology developed in such projects.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that the principal economic benefits resulting from the technology projects in the defense conversion program accrue to the U.S. economy. The provision would also ensure that all technology reinvestment projects are awarded on a competitive, cost-shared basis and allow fiscal year 1994 funds to be used in projects solicited in fiscal year 1993.

Adjustment and diversification assistance for states and local governments from the Office of Economic Adjustment (sec. 1321)

The House bill contained a provision (sec. 1321) that would authorize $69.0 million for the activities of the Office of Economic Adjustment. The provision also would authorize up to five percent of this amount to assist states and local governments in establishing programs that would qualify for operational assistance under section 4301 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize funds for community adjustment and that would limit, to five percent of the total amount authorized, the amount of funds that could be used for assistance to states in establishing economic diversification programs in response to either base or defense plant closures or reductions.

Assistance for communities adversely affected by catastrophic or multiple base closures or realignments (sec. 1322)

The House bill contained a provision (sec. 1322) that would make available, on a priority basis, funds authorized for Office of Economic Adjustment (OEA) assistance programs by directing that not less than 50 percent of such funds be available for those areas that have sustained more than one base closure or where the total labor force within the area is estimated to be reduced by more than five percent.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that not less than 25 percent, but not more than 50 percent, of the funds available for assistance pursuant to section 2391, of title 10, United States Code, for fiscal year 1994, be available for these hard hit communities. The conferees expect the Department of Defense to give priority consideration to assisting communities that meet the criteria established in this section.

Continuation of pilot project to improve economic adjustment planning (sec. 1323)

The House bill contained a provision (sec. 1323) that would provide an additional $1.0 million to supplement ongoing defense conversion pilot planning projects areas where dislocations are occurring from a combination of defense downsizing activities at military installations and national laboratories.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the funding source available to supplement this pilot project.

Personnel adjustment, education and training programs (secs. 1331-1333, 1336-1339 and 1373)

The House bill contained a series of provisions (sec. 1331-1336 and 1344) that would: (1) authorize and require the continuation of the "troops to teachers" program contained in the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 (sections 4441-4444 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484)); (2) require the Secretary of Defense to expand the "troops to teachers" program by assisting members of the armed forces to obtain employment with state and local law enforcement officials and health care providers; (3) require the Secretary of Defense to provide demonstration grants to institutions of higher education to provide education and training to dislocated defense workers and young adults in environmental restoration; (4) require the Secretary of Defense to give priority to the Secretary of Education in the transfer of real and personal property under DOD control; (5) require the Secretary of Defense to establish a demonstration program to promote the training and employment of veterans in construction and hazardous waste remediation industries; (6) authorize $25.0 million in continued Department of Defense support for the servicemembers occupational conversion and training program being implemented by the Department of Veterans' Affairs; and (7) require the Secretary of Labor, in consultation with the Secretary of Defense, to carry out a demonstration project to establish one or more regional retraining services clearinghouses for certain members of the armed forces, certain DOD civilian employees, and certain defense contractor employees.

The House bill also contained a provision (sec. 1337) that would make certain technical amendments to the Job Training Partnership Act's defense diversification program.

The Senate amendment contained a provision (sec. 531) that would make technical amendments to section 4441 of the National Defense Authorization Act of Fiscal Year 1993, which authorizes the "troops to teachers" program.

The Senate recedes with an amendment that would make those programs and projects addressed in sections 1331 through 1336 and 1344 of the House bill discretionary. The amendment would authorize the Secretary of Defense to enter into agreements with states to allow them to arrange the placement of individuals in placement programs with local educational and law enforcement agencies, and with local health care providers. The amendment also would ensure the eligibility of DOD civilian employees at military installations closed or realigned under previous or future base closure or realignment laws for training, adjustment assistance, and employment services under the defense diversification program.

The conferees agree that these personnel adjustment, education, and training programs are important and deserve Department of Defense support. The discretionary nature of these programs should not be viewed as congressional ambivalence regarding their implementation, but should be taken as intended to provide the Secretary of Defense with the flexibility to manage these programs together with other important programs competing for the Department's resources. The conferees recommend the use of unobligated funds provided by title VIII of the Department of Defense Appropriations Act for Fiscal Year 1993 (Public Law 102-396) to initiate these programs.

Environmental education opportunities program (sec. 1334)

The Senate amendment contained a provision (sec. 1088) that would provide environmental education scholarships to servicemembers and civilian employees of the Departments of Defense and Energy. The servicemembers and employees must have been involuntarily separated, terminated, or laid off as a result of the decline in defense spending or as a result of a closure of a military installation, and ineligible for retirement or retainer pay. The scholarships would be available for undergraduate or graduate programs leading to a degree or a certificate at colleges and universities associated with Environmental Protection Agency hazardous substance research centers.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the funding for this program will be included in defense conversion funds.

Employment of Department of Defense civilian personnel to carry out environmental restoration at military installations to be closed (sec. 1335)

The Senate amendment contained a provision (sec. 2817) that would authorize the Secretary of Defense to provide environmental training to civilian personnel employed at closing installations to carry out cleanup activities at those military installations. If such training is provided, the Secretary would give hiring priority, either directly or through contractors, to those employees who received this training. The employees eligible for retraining are those whose employment would be terminated by the Department of Defense because a military installation is being closed.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees understand that funds are available in federal accounts, other than the Base Closure Account, for the retraining of federal civilian employees for defense conversion. The conferees urge the Secretary of Defense to use Base Closure Account funds as a last resource for these retraining purposes. The conferees believe that there are

situations, such as workers who are already trained in such specialized areas as radiation work, where the overall cost of cleanup could be reduced by providing environmental training to those specially skilled employees. This authority should only be used when cost-effective.

National shipbuilding initiative (secs. 1351–1363)

Section 1031 of the National Defense Act for Fiscal Year 1993 (Public Law 102–484) required the President to submit a plan for revitalizing the U.S. shipbuilding industry. Our shipbuilding industry is unsurpassed in building the finest and most complex naval vessels in the world. With the end of the Cold War, however, the workload supporting the national security effort is dwindling. These shipyards, like many other defense firms, face a new challenge. They must translate their skills from the military to the commercial market.

The House bill contained several provisions (secs. 1351–1359) that would establish a national shipbuilding initiative (NSI) to sustain the U.S. shipbuilding industrial base. The NSI would assist the industry to become internationally competitive in commercial markets. The House provisions would authorize the Department of Defense to transfer $200.0 million to the Maritime Administration (MarAd). MarAd would use these funds to guarantee loans for commercial ship exports and for shipyard modernization.

The House bill would also provide $100.0 million for a maritime technology development program (Maritech) to be carried out by the Advanced Research Projects Agency (ARPA). The Maritech funds would be used to improve the technology base for shipbuilding techniques, develop innovative commercial ship designs, and improve production processes.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment.

After passage of the House bill, the President submitted a plan for revitalizing the shipbuilding industry ("Strengthening America's Shipyards: A Plan for Competing in the International Market"). The Administration's program is similar to the House program. It would provide export loan guarantees and would fund a Maritech program. The Administration's program, however, would be implemented differently.

The conferees considered both proposals carefully. The conferees agree to an integrated plan that balances the use of defense resources with domestic and private sector resources. The plan's principal elements are as follows:

a. Research and development.

The conferees agree to provide $50.0 million for Maritech, to be administered by ARPA. ARPA will be able to obligate these funds on a cost-matching basis, either directly or through "in-kind" contributions. Private and public sector shipyards will be able to participate in the Maritech program.

b. Loan guarantees

(1) Vessel construction. The conferees agree to provide $147.0 million of Department of Defense funds for loan guarantees on a one-time basis. These funds will remain available until the end of fiscal year 1997. Any DOD funds provided for loan guarantees must be matched on a dollar-for-dollar basis with Department of Transportation (DOT) funds. The recommended amount matches the amount proposed by the Administration for the DOT budget in future years *plus* the unobligated funds available from prior years in the MarAd loan guarantee accounts.

(2) Shipyard modernization. Out of the total funds available for loan financing, the conferees agree that a portion should be available to guarantee loans for U.S. shipyard modernization. Not more than 12½ percent of the funds, including matching funds, available per year for loan guarantees may be obligated for shipyard modernization. The Secretary of Transportation shall give priority to applications from shipyards that have engaged in naval ship construction.

(3) Eligible vessels. The House recedes from its requirement for a 10,000 gross ton minimum on vessel size. Vessels eligible for export loan guarantees must be at least 5,000 gross tons and commercially marketable on the international market.

(4) Credit terms. The policy of this and previous Administrations is to end the widespread practice that a number of foreign countries employ of providing direct and indirect subsidies to support their domestic shipbuilding industries. The conferees understand that, after several years of inconclusive negotiations, the principal shipbuilding nations are close to reaching an agreement to end such practices. The conferees hope that the parties will soon conclude such an agreement. With certain exceptions, the conferees note that the major shipbuilding nations have generally exercised discipline in granting export loan credit terms. The conferees hope that this restraint can be extended to a binding agreement that addresses the entire area of shipbuilding subsidies in whatever form. However, the conferees understand that previous negotiations have proven unrewarding. The provisions recommended by the conferees would give the Secretary of Transportation the authority to grant export loan credit terms in accordance with existing statutory terms. The provisions also would grant the Secretary the flexibility to set export loan credit terms, based on an assessment of foreign government practices that could cause unfair competition for U.S. shipyards. The conferees agree to establish a review council for this purpose.

The conferees understand that the United States Export-Import (Ex-IM) Bank is empowered to take countervailing measures against certain foreign government practice. These practices include subsidies, "soft-loan" financing, and "tied-aid" programs that are outside the scope of this loan guarantee provision. The conferees intend that the EX-IM Bank provide additional assistance to complement the terms and conditions of the national shipbuilding initiative.

(5) Role of the Secretary of Defense. The conferees recommend a provision that would require the Secretary of Defense to approve a loan guarantee application for a foreign entity. The conferees agree that the Secretary of Defense shall have a reasonable, but limited time within which to approve or disapprove such applications.

c. Charleston and Mare Island Naval Shipyard.

Finally, the House bill included a provision (sec. 1325) that would direct the Secretary of Defense to study the feasibility of converting and reutilizing Charleston and Mare Island Naval Shipyards as facilities primarily oriented toward commercial uses. The conferees agree to recommend this provision.

Encouragement for the purchase or lease of vehicles producing zero or very low exhaust emissions (sec. 1371)

The House bill contained a provision (sec. 1342) that would encourage the Secretary of Defense to expend not less than 10 percent of funds available for the purchase of administrative use vehicles on the purchase or lease of zero or low exhaust emission vehicles.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note that the actions described in this provision could serve as a model for other diversification support activities the Secretary of Defense might undertake.

Revision to requirements for notice to contractors upon pending or actual termination of defense programs (sec. 1372)

The House bill contained a provision (sec. 1343) that would clarify the requirements under section 4471 of the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 for notice to contractors and employees upon the proposed or actual termination or substantial reduction in the major defense programs. The provision would require contractors or subcontractors to retain an employee for six months after notification of the intent to terminate the employment of the employee as a result of such notice. Finally, the provision would provide additional remedies for the failure of contractors to comply with the notice requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the employee retention requirements, the coverage of Department of Energy programs, and the special compliance remedies.

The conferees note that section 3161 of the National Defense Authorization Act for Fiscal Year 1993 already encourages the Department of Energy to undertake early notification procedures for employees. These procedures are currently being implemented.

With respect to section 1342(g) of the House bill, the conferees note that the notice requirement contained in Public Law 102–848 is now being incorporated into DOD contract clauses. The conferees fully expect the Department to provide adequate notification to the congressional defense committees if it changes this policy.

Use of naval installations to provide employment training to non-violent offenders in state penal systems (sec. 1374)

The conferees became aware of an initiative between a private non-profit organization which provides assistance to prison inmates, and the Navy at Naval Station, Alameda, California. The initiative would permit non-violent inmates in the California penal system to perform building and grounds maintenance duties at the naval station, on a volunteer basis, as part of an employment training program. No appropriated funds would be used in the training program.

The conferees agree that this is a noteworthy initiative and adopt a provision that would authorize the Secretary of the Navy to conduct a demonstration project to test the feasibility of using Navy facilities to provide employment training for non-violent offenders in a state penal system prior to release from incarceration. The demonstration project would be limited to three Navy installations. The Secretary of the Navy could enter into agreements with private, non-profit organizations to provide necessary training and could lease or otherwise make available such real property the Secretary considers proper to provide the training. The non-profit organization would hold harmless and indemnify the United States for any injury or property damage in connection with the training.

The conferees encourage the Secretary of the Navy to evaluate the demonstration

projects and submit a report with recommendations as to expansion, termination, or continuation of the project.

LEGISLATIVE PROVISIONS NOT ADOPTED

Dissemination of list of conversion, reinvestment, and transition programs

The House bill contained a provision (sec. 1304) that would require the Economic Adjustment Committee to ensure the adequate dissemination of lists of available information on federal defense conversion programs to interested parties.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that mechanisms currently exist in law to achieve the intent of the House provision.

Encouragement of industrial diversification planning for certain defense contractors

The House bill contained a provision (sec. 1341) that would require the Secretary of Defense to include a provision in each major defense contract encouraging industrial diversification by the contractor. The provision would also require the Secretary to sponsor up to five studies on diversification strategies.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that section 4329 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) requires the Secretary of Defense to issue regulations encouraging defense contractors to engage in diversification planning.

Targeting of defense conversion funds

The Senate amendment contained a provision (sec. 804) that would express the sense of Congress that defense conversion programs should serve to relieve distress in areas of the country most adversely affected by defense cutbacks. The provision would also require reports focusing on small business participation in defense conversion programs.

The House bill contained similar provisions (secs. 1322 and 1324) pertaining to community assistance.

The Senate recedes. The conferees note the provisions adopted elsewhere in this conference report that would require the Secretary of Defense to report on small business participation in the defense conversion program and to target community assistance for those communities most seriously affected by base closures and other defense dislocations.

Small business participation

The Senate amendment contained a provision (sec. 805) that would require the Secretary of Defense to establish a goal that at least 15 percent of the total amount appropriated for partnerships in the defense conversion program be expended on partnerships including small businesses.

The House bill contained no similar provision.

The Senate recedes. The conferees note that experience with the technology reinvestment projects in 1993 indicates that small business participation will significantly exceed the 15 percent goal called for in the Senate provision.

Sense of Congress regarding establishment of an Office of Economic Conversion Information

The Senate amendment contained a provision (sec. 1068) that would express the sense of Congress that the President should establish an Office of Economic Conversion Information in the Department of Commerce.

The House bill contained no similar provision.

The Senate recedes. In light of the Administration's decision to set up the office in the Economic Development Administration within the Department of Commerce, the conferees believe that legislation is no longer necessary. The conferees direct the administration to report to Congress no later than June 30, 1994 on the progress and accomplishments of the new office.

Community assistance and technology reinvestment joint efforts

The conferees commend the efforts of the Office of Economic Adjustment (OEA) in the Department of Defense in helping communities plan for the redevelopment and reutilization of former military assets. The conferees believe that there is an important opportunity to capitalize on technology reinvestment efforts by the Advanced Projects Research Agency (APRA). One possible example might be the integration of technology reinvestment projects with overall community assistance efforts undertaken by OEA. Together, OEA and APRA programs represent important allies for those communities especially hard hit by defense spending reductions and military base closures. The conferees look forward to the development of innovative approaches to economic recovery for defense-dependent areas capitalizing on the strengths of the defense reinvestment, conversion and assistance programs operated by these two defense agencies.

TITLE XIV—MATTERS RELATING TO ALLIES AND OTHER NATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense burdens and responsibilities (sec. 1401)

The House bill contained a provision (sec. 1043) that would address the sharing of defense burdens and responsibilities among the United States and its allies. The provision would make certain findings and express the sense of Congress on burdensharing; specify that the President should take certain burdensharing actions; reduce the amount requested for overseas basing activities; and allocate the resulting savings to operation and maintenance and military construction activities at military installations in the United States.

The Senate amendment contained a similar provision (sec. 1054) but it would make smaller reductions in the amount requested for overseas basing activities.

The Senate recedes with an amendment that would delete the U.S. contribution to the NATO Infrastructure program from the section's definition of "overseas basing activities." The amendment would also authorize the Secretary of Defense to exceed the limitation on spending on overseas basing activities by such amount as the Secretary determines to be necessary in the national interest, but not more than by $582.7 million. The Secretary would not be able to exceed the limitation until the Secretary notified Congress and waited 15 days. The conferees note that, if the Secretary of Defense exercises this authority to exceed the limitation by as much as $582.7 million, the amount available to be spent on overseas basing activities would reach $17,498.1 million—the amount contained in the budget request.

Burdensharing contributions from designated countries and regional organizations (sec. 1402)

The House bill contained a provision (sec. 1044) that would expand and make permanent the authority of the Secretary of Defense to accept cash burdensharing contributions from foreign countries and regional organizations.

The Senate amendment contained a provision (sec. 1051) that would make technical changes to this authority and that would make it permanent.

The Senate recedes with an amendment that would codify this authority in title 10, United States Code, and that would change the quarterly reporting requirement to an annual reporting requirement.

NATO review requirements (sec. 1411)

The Senate amendment contained a provision (sec. 1083-1085) that would require the President, in consultation with the Secretary of Defense and the Secretary of State, to report to Congress on the role NATO should play in the post-Cold War era.

The House bill contained no similar provision.

The House recedes with an amendment that would emphasize the importance of applying the full range of NATO capabilities in political, diplomatic, economic, social, and military efforts towards crisis prevention and management.

Modification of certain report requirements (sec. 1412)

The House bill contained a provision (sec. 1045) that would modify certain report requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Permanent authority to carry out AWACS memoranda of understanding (sec. 1413)

The House bill contained no similar provision.

The House recedes.

Extension of authority for certain foreign governments to receive excess defense articles (sec. 1421)

The House bill contained a provision (sec. 1034) that would make Bahrain eligible to receive excess defense articles.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on effect of increased use of dual-use technologies on ability to control exports (sec. 1422)

The House bill contained a provision (sec. 1056) that would require the Secretary of Defense, in consultation with the Director of Central Intelligence, to submit a report on the effect the increased use of dual-use and commercial technologies by the Department of Defense could have on the ability of the United States to control the export of sensitive dual-use and military technologies and items.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to include in the report an assessment of the national security implications of lowering export licensing controls on dual-use items and technology and its effect on current and planned operational defense programs and capabilities. The amendment also would require the report to describe the steps being taken to ensure that decontrol of dual-use items and technology does not place current U.S. technology and defense capabilities at risk and the steps being taken to ensure that the decontrol of dual-use technologies does not contribute to an increased proliferation threat.

The report also should include an assessment of:

(1) efforts to limit the export of critical components or subcomponents, focusing on

areas where consensus among suppliers is possible and where the impact of denying access seriously degrades a foreign country's ability to achieve its weapons development goals, while having minimal impact on the U.S. economy; and

(2) creation of an economic environment that encourages U.S. business to dominate markets, through the sale of support services and equipment, where control of critical technologies is not possible. Such an approach would ensure U.S. familiarity with technology that it may confront when threats to its security emerge, facilitating development of peacetime, crisis, and wartime countermeasures.

The conferees note that the Administration is revising export control policy on a wide variety of advanced technologies (e.g., computers, telecommunications, space launch vehicles and technology) with potential adverse consequences for U.S. national security. For example, through the use of more capable computers, foreign countries could indigenously produce better military equipment requiring fewer field tests with a resultant loss of U.S. ability to anticipate new weapons developments.

The conferees recognize that no export control regime can realistically prevent the spread of new weapons and technologies. Moreover, the conferees recognize that U.S. businesses should not be excluded from competing in the global computer, telecommunications, and other markets. Many of these areas are the foundation of the U.S. economy, and a strong U.S. economy is essential for maintaining national security.

Therefore, given that the export of high technology products has positive and negative implications, the conferees believe that a prudent but realistic export control regime must be developed and implemented to serve both U.S. economic and national security interests.

Landmine moratorium extension act (sec. 1423)

The Senate amendment contained a provision (sec. 1094) that would extend for three more years the moratorium on landmine exports contained in the National Defense Authorization Act for Fiscal Year 1993.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Codification of provision relating to overseas workload program (sec. 1431)

The House bill contained a provision (sec. 1035) that would codify in title 10, United States Code, the authority for the overseas workload program.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

American diplomatic facilities in Germany (sec. 1432)

The Senate amendment contained a provision (sec. 1078) that would prohibit the purchase, construction, modification, or lease of diplomatic facilities in Germany until the Secretary of Defense certifies that the U.S. government has received or is scheduled to receive from the government of Germany not less than 50 percent of the value of facilities returned by the U.S. government to the government of Germany.

The House bill contained no similar provision.

The House recedes with an amendment that would make the prohibition effective as of January 1, 1995. The conferees are concerned that the United States receive fair value for the facilities it returns to the government of Germany. The conferees request the Administration to keep the relevant committees of Congress closely informed about the progress of negotiations with the government of Germany of this issue.

Military service of retired personnel with newly democratic nations (sec. 1433)

The Senate amendment contained a provision (sec. 547) that would provide the consent of the Congress for a retired member of the uniformed services to accept employment by, or hold an office or position in, the armed forces of a newly democratic nation and accept compensation associated with such employment, office, or position provided the secretary concerned and the Secretary of State determine the nation is a newly democratic nation and jointly approve the employment or the holding of such office or position. The provision also would provide that the retirement pay and other benefits of the retiree may not be terminated by reason of employment or holding of an office or position consented to pursuant to this provision.

The House bill contained no similar provision.

The House recedes with an amendment that would require the secretary concerned and the Secretary of State to notify the appropriate congressional committees of the determinations and approvals under this provision. The conferees emphasize that this provision does not in any way abrogate the post employment requirements contained in the Ethics in Government Act.

Semiannual report on efforts to seek compensation from Government of Peru for death and wounding of certain U.S. servicemen (sec. 1434)

The House bill contained a provision (sec. 1038) that would direct the Secretary of Defense to report semiannually on efforts to obtain compensation from the Government of Peru for the military personnel wounded and the survivors of the airman killed when the Peruvian Air Force strafed their aircraft.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISION NOT ADOPTED

Findings regarding defense cooperation between the United States and Israel

The Senate amendment contained a provision (sec. 1053) that would express congressional findings regarding defense cooperation between the United States and Israel.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize the many benefits to the United States resulting from our strategic relationship with Israel. The conferees commend the Administration's commitment to maintaining Israel's qualitative edge over any combination of adversaries. The conferees support the Administration's desire to enhance Israeli-American military and technical cooperation. Despite the peace process, Israel continues to face a difficult threat environment compounded by the proliferation of weapons of mass destruction and their delivery systems.

TITLE XV—INTERNATIONAL PEACEKEEPING AND HUMANITARIAN ACTIVITIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

General authorization of support for international peacekeeping activities (sec. 1501)

The Senate amendment contained a provision (sec. 1041) that would extend the termination date for section 403 of title 10, United States Code, until September 30, 1994. The provision also would authorize the Secretary of Defense to provide assistance for international peacekeeping during fiscal year 1994 in an amount not to exceed $300.0 million in accordance with that section.

The House bill contained no similar provision.

The House recedes with an amendment that would further limit the availability of Department of Defense funds by requiring that: (1) the United States receive written commitments of full and prompt reimbursements for outstanding obligations incurred through letters of assistance or similar arrangements for logistics support, supplies, services, and equipment provided by the Department on a contract basis to the United Nations or a regional organization; and (2) the Department of Defense receive any reimbursement to the United States from the United Nations or a regional organization for such outstanding obligations unless the reimbursement is precluded by law.

Report on multinational peacekeeping and peace enforcement (sec. 1502)

The Senate amendment contained a provision (sec. 1042) that would require the President, in consultation with the Secretary of State and the Secretary of Defense, to submit a comprehensive report to Congress on U.S. policy on multinational peacekeeping and peace enforcement no later than the date on which the President submits the fiscal year 1995 budget.

The House bill contained no similar provision.

The House recedes with an amendment that would add several policy matters for analysis and discussion in the report and change the report deadline to April 1, 1994.

Military-to-military contact programs (sec. 1503)

The conferees agree to a provision that would provide $10.0 million for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society. The conferees support this program. This provision would simply serve as a bridge until Congress can take up the broader issue of the permanent level and scope of such contacts. Without this provision, existing activities already endorsed by Congress would have to be brought to an immediate halt. If the Department of Defense finds this authorization insufficient, the conferees are willing to consider a reprogramming to provide additional funding for this program.

Because title XII of this act (Cooperative Threat Reduction with States of the Former Soviet Union) will authorize programs to conduct military-to-military and defense contacts with the independent states of the former Soviet Union, all such military-to-military programs in those states should be carried out with funds authorized in title XII.

Humanitarian and civic assistance (sec. 1504)

The House bill contained a provision (sec. 1005) that would: (1) require the Secretary of Defense to, not later than March 1, 1994, prescribe regulations concerning humanitarian and civic assistance provided in conjunction with military operations; (2) clarify existing law by limiting the obligation of funds, other than funds appropriated for humanitarian and civic assistance, to incidental costs; (3) require that notifications to Congress relating to excess nonlethal supplies of the Department of Defense contain specific information; and (4) authorize $58.0 million for

humanitarian assistance under sections 401, 402, and 2551 of title 10, United States Code.

The House bill contained another provision (sec. 1010) that would require the Secretary of Defense to include in the Secretary's next annual report a report of the Department's activities in connection with the four provisions in title 10, United States Code, relating to humanitarian assistance activities. The report would cover activities carried out by the date of the report during fiscal year 1994 and planned activities for the remainder of fiscal year 1994 and fiscal year 1995.

The Senate amendment would authorize $48.0 million for humanitarian assistance.

The Senate recedes with an amendment that would: (1) combine the two House provisions into one section; (2) authorize $48.0 million for humanitarian assistance for fiscal year 1994; and (3) require the Secretary of Defense to submit a report on the planned activities for fiscal year 1995 under the referenced sections, and, after consultation with the Secretary of State, the State Department's distribution during fiscal year 1993 of excess nonlethal supplies transferred to the Secretary of State pursuant to section 2547 of title 10, United States Code.

Sanctions against Serbia and Montenegro (sec. 1511)

The Senate amendment contained a provision (sec. 1087) that would codify several executive branch directives which impose sanctions against Serbia and Montenegro, prohibit the expenditure of appropriated funds for those countries, and require U.S. representatives to international financial institutions to oppose assistance to those countries. An exception would be provided for the reform of the electoral process and the development of democratic institutions or political parties in the two countries. Finally, the provision would authorize the President to waive these restrictions if he determines and certifies that a waiver would be in the national interest, but the waiver authority would be conditioned upon the territory of Bosnia-Hercegovina being controlled by a government recognized by the United States and not being subject to military action by Serbia and Montenegro or Bosnian Serbian forces.

The House bill contained no similar provision.

The House recedes with an amendment that would add humanitarian assistance to the exceptions and authorize a waiver or modification of the sanctions upon a determination by the President and certification to Congress that a waiver or modification was necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Bosnia-Hercegovina.

LEGISLATIVE PROVISIONS NOT ADOPTED

U.S. forces under United Nations command

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to submit a report to Congress whenever U.S. forces, numbering in excess of 100, are assigned to serve under the operational control of a foreign national acting on behalf of the United Nations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Senate and House of Representatives are planning to review all war powers-related issues and laws. The topic of executive branch reports and notifications related to the use of U.S. forces will be an appropriate subject of those reviews.

Department of Defense food stocks for assistance in Bosnia-Hercegovina and Armenia

The Senate amendment contained a provision (sec. 1093) that would make available 500,000 cases of meals ready-to-eat for distribution as humanitarian relief.

The House bill contained no similar provision.

The Senate recedes. The introduction of a new ration item specifically designed for use in humanitarian relief operations obviates the need for the Senate provision.

TITLE XVI—ARMS CONTROL MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Presidentail study of global proliferation (sec. 1601)

The House bill contained a provision (title XV) that would create a National Commission on Arms Control.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President to study the factors contributing to the proliferation of strategic and advanced conventional military weapons and the policy options available to inhibit such proliferation. In order to assist the President in the conduct of this study, an advisory board, composed of five members appointed by the President, is to be established within 15 days after enactment of this act. The Secretary of Defense or the head of any other federal agency would be permitted to detail personnel to the advisory board to assist it in carrying out its duties. The amendment also would permit a federally funded research and development center designated by the Secretary of Defense to provide support services to the advisory board. The President would be required to submit to Congress a report on his findings and conclusions, together with the advisory board's report, and the President's comments on that report, by June 1, 1994.

Counterproliferation (secs. 1602–1607)

The House bill contained a provision (sec. 1055) that would authorize the Secretary of Defense to support international activities with respect to the nonproliferation of weapons of mass destruction (WMD) and their delivery systems. The provision would require the President to coordinate these activities with those authorized in section 504 of the Freedom Support Act (Public Law 102–511).

The Secretary of Defense would also be authorized to conduct counterproliferation policy studies and analyses. The Secretary would be required to submit a semiannual report on the activities carried out under this section. The House provision would also authorize $6.0 million in operation and maintenance funds for counterproliferation studies and analyses and $25.0 million for assistance for international activities.

The Senate amendment contained provisions (secs. 241–245) that would express the sense of Congress that the prevention of the proliferation of WMD is a high priority. Section 243 would establish a joint committee to review U.S. nonproliferation programs. Section 244 would require the joint committee to submit a report to Congress with the findings of the committee in both unclassified and classified form no later than May 1, 1994.

The House recedes with an amendment that would continue through fiscal year 1994, the authority in section 1505 of the National Defense Authorization Act for Fiscal Year 1993. The conference agreement would provide up to $25.0 million in support for international nonproliferation activities, including the On-Site Inspection Agency's (OSIA) support of the United Nations Special Commission on Iraq (UNSCOM). The conference agreement would authorize the Secretary of Defense to spend up to $6.0 million to conduct counterproliferation studies and analysis in support of U.S. nonproliferation policy. The Secretary of Defense would be required to submit a 30-day advance notification to Congress before providing funds in support of international activities and OSIA support to UNSCOM. The Secretary would have to certify that the activity is in U.S. national security interests and that the provision of assistance does not adversely affect U.S. military preparedness. Funds used to conduct counterproliferation studies and analyses are to be derived from funds available to DOD in fiscal year 1994. The funds could not be obligated, however, until 15 days after the Secretary submits a report to Congress on existing DOD programs regarding such studies and analyses. The Secretary of Defense shall submit a semiannual report to Congress on the studies and analyses carried out, and the amounts spent on such activities.

The conferees further agree to establish a joint review committee which would consist of the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, Director of the Arms Control and Disarmament Agency, and the Chairman of the Joint Chiefs of Staff. The purpose of the committee would be to identify and review existing and proposed nonproliferation and counterproliferation capabilities and technologies and to review acquisition and technology programs and crisis management efforts to respond to WMD terrorism.

The conferees emphasize that the intent of the reporting requirement in the conference agreement is to obtain a clear and comprehensive explanation of the existing and proposed counterproliferation and nonproliferation programs in the federal departments and agencies represented on the joint review committee. The report should also explain how these programs are to be effectively integrated and coordinated. The conferees further emphasize that the goal of all such programs should be operational capabilities and technologies in the near-, mid-, and far-term that can be fielded in support of counterproliferation and nonproliferation policies. The report should make clear, for example, which programs, if any, are not intended to move beyond the proof-of-concept phase of development. If the joint review committee finds that, as an initial step, it must recommend the funding of numerous proof-of-concept efforts, the report should provide a clear roadmap of intentions to down-select in future years to being the most promising technologies on-line.

The conferees also note that many of the counterproliferation collection programs under consideration assume cooperative arrangements. The conferees believe there is merit in funding such cooperative efforts, but also in maintaining an adequate level of effort for stand-off detection and collection programs in the event that cooperative agreements are not reached.

Nuclear nonproliferation (sec. 1611)

The House bill contained a provision (sec. 1052) that would, among other things, declare U.S. policy objectives to end nuclear proliferation and reduce current nuclear arsenals and supplies of nuclear weapons materials through the successful completion and implementation of nuclear arms control and disarmament agreements with the states of the former Soviet Union and other foreign governments.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees agree that the report required by this provision should be submitted to the Committees on Armed Services of the Senate and House of Representatives, to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

Limitation on funds for plutonium storage in Russia (sec. 1612)

The House bill contained a provision (sec. 1054) that would condition funding for a plutonium storage facility in Russia on certification to Congress by the President that Russia is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel and is taking practical steps to this end. This provision would express the sense of Congress that Russia should cease all production and separation of plutonium, and it would require the President to report on efforts by the United States to achieve the objectives described in this provision.

The Senate amendment contained no similar provision.

The Senate recedes.

North Korea and the Non-Proliferation Treaty (NPT) (sec. 1613)

The House bill contained a provision (sec. 1048) that would express the sense of Congress regarding North Korea and the Treaty on the Non-Proliferation of Nuclear Weapons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would urge continued talks between North Korea and South Korea on denuclearization of the Korean peninsula.

Proliferation of space launch vehicle technologies (sec. 1614)

The House bill contained a provision (sec. 1053) that would express the sense of Congress about the proliferation of space launch vehicle (SLV) technologies.

The Senate amendment included an identical provision (sec. 1077). This provision is set forth in this section.

The conferees are concerned that loosening the restrictions on space launch vehicle technology within the Missile Technology Control Regime (MTCR) could, over time, result in the proliferation of offensive ballistic missiles that are essentially indistinguishable from space launch vehicles. The conferees would be concerned, for example, if new MTCR members were permitted to retain their space launch vehicle programs and were offered U.S. SLV technology.

The Administration has assured the Congress that it will be consulted on MTCR-related policy issues, MTCR membership, and on the SLV exports. The conferees expect to be included in these consultations, including those in advance of exports in support of foreign SLV programs, and of U.S. plans to approve new members to the MTCR.

TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Chemical and biological weapons defense (secs. 1701–1705)

The House bill included provisions (title XI) relating to the chemical and biological defense program.

The Senate amendment did not contain similar provisions.

The Senate recedes with amendments.

To meet the potential threat posed by the proliferation of chemical and biological weapons in the post-Cold War world, the conferees believe that the United States must strengthen on-going initiatives in the chemical and biological defense program, as well as in arms control and chemical demilitarization. For the past three years, the conferees have expressed concern about the conduct of the chemical and biological defense program and the readiness of U.S. armed forces. The conferees note improvements in the program, but believe that further improvements in program management are needed and that sustained efforts will be required to further strengthen the program so it can respond to the potential threat.

The conferees are particularly concerned that, in a declining budget environment, the requirements for an effective chemical and biological defense program not be ignored. The conferees believe that a high priority must continue to be placed on the chemical and biological defense program. The program must not be subjected to disproportionate cuts as budgets are reduced, nor should the requirements for effective defenses be ignored.

The conferees have agreed to a series of provisions that would strengthen the chemical and biological program. Section 1701 would direct the Secretary of Defense to fund the chemical and biological defense program after fiscal year 1994 in a separate DOD budget account. The program should reflect a coordinated and integrated chemical and biological defense program for the military departments with the Army in the role of executive agent. It would require assignment of the program to a single office within the Office of the Secretary of Defense. That office would have responsibility for policy coordination and oversight of both the chemical and biological warfare defense and chemical and biological medical defense programs. Additionally, the Department would be required to provide a report on its review of the management structure of the chemical and biological warfare defense program and measures that need to be taken to improve joint coordination, oversight, and ensure coherent and effective management of the program.

The conferees strongly support consolidation of chemical and biological defense training for the Army, Navy, Air Force, and Marine Corps at the Army's Chemical School. This action conforms with the Chairman of the Joint Chief of Staff's Military Training Structure Review and the Secretary of Defense's March 1993 Roles and Missions report.

Section 1703 would require the Secretary of Defense to include a number of matters in the Department's annual report to Congress. Section 1704 would express the sense of Congress that federal interagency planning for response to a chemical or biological emergency be strengthened. Section 1705 would authorize the Secretary of Defense to enter into agreements with the Secretary of Health and Human Services for DOD support to the national vaccination program.

Through the biological defense research program, the Department of Defense has the capability to research and manufacture antidotes to chemical and biological warfare agents. Much of this manufacturing capability lies dormant during peacetime. The conferees believe that the Department should maintain a surge capability to provide vaccines and antidotes for unusual diseases as the U.S. armed forces become more involved overseas. The conferees also believe that the Department should work with other agencies to develop a coordinated capability for the qualification and production of vaccines to respond to both military requirements and emergency civilian requirements. The conferees direct the Secretary to report to the congressional defense committees by February 1, 1994 on the feasibility of providing such support. The Department should incorporate this reporting requirement with the report required elsewhere in this act on a DOD vaccine production facility.

The conferees recommend close cooperation between the United States and its allies on chemical and biological defense matters. They recommend that the Department of Defense consider the use of funds provided under the NATO research and development program for this purpose. Additionally, the conferees recommend that DOD and DOE, in connection with the Joint Review Committee, established in title XVI of this Act, consider conducting a pilot program with current research and development funding using state-of-the-art equipment developed by U.S. industry for chemical weapons agent detection and reconnaissance, on-site chemical weapons inspection and CWC verification, and stockpile and non-stockpile demilitarization.

The conferees emphasize that the United States can contribute to the CWC implementation process by providing DOD assistance in training CWC inspectors and international inspectors for the CWC and monitoring teams.

The conferees also believe that adoption of a verification and inspection regime for the 1972 Biological Weapons Convention (BWC) would strengthen the BWC by raising the economic and political costs to any nation that would seek a biological weapons program. The conferees encourage the Secretary of Defense to sponsor a study on implementation of a verification and inspection regime for the BWC.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The amended budget request for fiscal year 1994 contained $10,785,553,000 for military construction and family housing.

The House bill would authorize $11,597,194,000 for military construction and family housing.

The Senate amendment would provide $11,404,333,000 for this purpose.

The conferees recommend authorization of $10,060,026,000 for military construction and family housing in fiscal year 1994.

FY 1994 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPRIATIONS RECAPITULATION

[In thousands of dollars]

	Request	House passed	Senate passed	Conference agreement
Army	776,642	875,087	863,944	888,516
Navy	655,123	750,343	660,923	668,323
Air Force	897,178	968,220	1,020,778	1,014,165
Defense agencies	1,077,718	642,818	1,031,178	557,758
NATO infrastructure	240,000	240,000	240,000	140,000
Base realign & closure I	27,870	127,870	12,830	12,830
Base realign & closure II	1,800,500	2,200,500	1,526,310	1,526,310
Base realign & closure III	1,200,000	1,306,000	1,500,000	1,144,000
Army National Guard	50,865	233,890	277,051	283,483
Air national guard	142,353	218,114	245,793	236,341
Army Reserve	82,233	88,433	124,794	101,433
Navy Reserve	20,591	20,591	25,013	25,013
Air Force Reserve	55,727	84,004	68,427	73,927
Prior year deauthorizations	0	0	0	(241,977)
Total military construction	7,026,800	7,755,880	7,597,041	6,430,132
Family housing construction, Army	218,285	220,885	228,385	228,885
Family housing support, Army	1,125,189	1,150,089	1,125,189	1,110,108
Portion applied to debt reduction	412	412	412	412
Family housing construction, Navy	373,769	367,769	370,208	370,208
Family housing support, Navy	835,055	860,055	835,055	819,974
Family housing construction, Air Force	173,235	193,346	215,235	187,035
Family housing support, Air Force	853,912	869,862	853,912	838,831
Family housing construction, defense agencies	159	159	159	159
Family housing support, defense agencies	27,337	27,337	27,337	27,337
Homeowners assistance fund	151,400	151,400	151,400	151,400
Family housing prior year deauthorizations	0	0	0	(104,455)
Total family housing	3,758,753	3,841,314	3,807,292	3,629,894
Total military construction & family housing	10,785,553	11,597,194	11,404,333	10,060,026
Prior year deauthorizations	0	0	(248,404)	0
Total military construction & family housing	10,785,553	11,597,194	11,155,929	10,060,026

Termintion of certain military construction authorizations

In light of the recommendations for base closure and realignment forwarded by the President to the Congress on July 2, 1993, the committee recommends the termination of the following military construction authorizations that have not yet been obligated:

Army:

Fiscal year 1992:

	Millions
New York: Seneca Army Depot—Fire Station	1.150
Virginia: Vint Hill Farms—	
Barracks with Dining Facility	1.700
General Purpose Warehouse	1.850
Subtotal	4.700

Fiscal year 1993: Utah: Toolele Army Depot—Hazardous Material Storage 9.200

Total 9.200

Navy

Fiscal year 1989: California: (Family Housing) Long Beach NS—Family Housing (300 units) 9.072

Subtotal 9.072

Fiscal year 1990:

New York: NS Staten Island—	
Child Care Center	2.987
Land Acquisition (part of omnibus line)	1.675
South Carolina: NS Charleston—Defense Access Roads	3.000
Subtotal	7.662
California: (Family Housing) El Toro MCAS—Family Housing (200 units)	14.100
Subtotal	14.100
Subtotal	21.762

Fiscal year 1991:

Alaska: Amchitaka FSSC Electronic Inst.	5.656
California: Pt. Magu PMTC—Security Improvements	2.070
Florida: Key West NAS—EOD Mobile Unit Facility	3.010
Virginia: Oceana NAS—Weapons System Training Addition	3.670
Subtotal	14.406
California: (Family Housing) Long Beach NS—Family Housing (300 units)	24.928
Subtotal	24.928
Total	39.334

Fiscal Year 1992:

Alaska: Adak NSGA—Classic Wizard Facility Addition	3.600
Bachelor Enlisted Quarters	9.100
California: Concord NWC—Missile Test Cell	1.250
California: NSY Mare Island—Road Realignment	3.570
Computer Operations Center	9.000
District of Columbia: Washington NAVDIST—Hazardous Waste Storage Facility	2.050
Florida: NSC Pensacola—Cold Storage Plant	5.700
Florida: Orlando NTC—Barracks	7.980
Georgia: Kings Bay NSB—Trident Training Facility Addition	9.200
Maryland: Annapolis NRTF—Antenna Modifications	2.400
S. Carolina: FMWTC Charleston—Fire Fighting Trainer Facility	14.620
Virginia: Norfolk NS—Fire Alarm System Improvements	.340
Washington: Whidbey Island NAS—Flight Area Control & Surveillance Facility	3.349
Subtotal	72.159

Fiscal Year 1993:

California: NAS Miramar—Fix Point Aircraft Utilities	9.700
NSY Mare Island—Hazardous Material Storage	8.000
Florida: NAS Cecil Field—Jet Engine Test Cell	5.850
Tennessee: NAS Memphis—Fire and Crash Rescue Station	1.750
Aircraft Fire & Rescue Training Facility	9.060
Fire Fighting Training Facility	3.300
Subtotal	37.660
California: (Family Housing) MCAS El Toro—Family Housing Improvements (reduce lump sum)	1.253
Subtotal	1.253
Total	38.913

Air Force:

Fiscal year 1990:

Florida: Homestead AFB—Add to Transient Dorm	1.950
Alter Dormitories	5.400

	Millions
Ohio: Newark AFB—Child Development Center	.680
Subtotal	8.030
Fiscal year 1991:	
California: March AFB—Troop Subsistence Warehouse	1.050
Florida: Avon Park Range—Dormitory	.700
Florida: Homestead AFB—Alter Dormitories	5.500
Idaho: Mt. Home AFB—Squadron Operations	1.350
Maine: Bangor Airport—Squadron Operations	.970
New York: Griffis AFB—Add/Alter Missile Munitions Facility	2.300
Munitions Igloo	2.200
Subtotal	14.070
Fiscal year 1992:	
Florida: Homestead AFB—Alter Domitory	4.900
New York: Griffiss AFB—Add to Squadron Operations Facility	1.500
New York: Plattsburgh AFB—Upgrade Electrical Distribution System	7.200
Alter Jet Fuel Storage	.880
Subtotal	14.480
Florida: (Family Housing) Homestead AFB—Family Housing Improvements (Reduce lump sum)	6.400
Subtotal	6.400
Total	20.880
Fiscal year 1993:	
California: (Family Housing) March AFB—Family Housing (320 units)	38.351
Michigan: K.I. Sawyer AFB—Improve 134 units of family housing	10.351
Subtotal	48.702
Defense agencies:	
Fiscal year 1992:	
Florida: Homestead AFB—Composite Medical Facility, PH I	10.000
Ohio: Defense Electronics Supply Center—Fire and Security Station	2.000
Texas: NAS Dallas—Medical/Dental Clinic	3.500
Total	15.500
Air National Guard:	
Fiscal year 1990: Texas: Dallas NAS—Add/Alter Dining Fac. & Medical Training Fac.	.540
Subtotal	.540
Fiscal year 1991: Illinois: O'Hare Airport—Repair Aircraft Ramp	5.200
Subtotal	5.200
Naval Reserve:	
Fiscal year 1990:	
California: NRC Bakersfield—Land Acquisition	1.000
Illinois: NAS Glenview—Tactical Air Command Center	.600
Michigan: NAF Detroit—Reserve Center Rehabilitation	.750
Subtotal	2.350
Fiscal year 1991: Texas: NAS Dallas—GSE Shop	1.640
Subtotal	1.640
Fiscal year 1992: West Virginia: NAR Martinsburg—C-130 Support Facility	25.100
Subtotal	25.100
Fiscal year 1993: Illinois: NAS Glenview—Fuel Farm Modifications	6.500
Subtotal	6.500
Air Force Reserve:	
Fiscal year 1991: Illinois: O'Hare Airport—Security Police Operations Facility	1.080
Subtotal	1.080
Fiscal year 1992: None.	
Fiscal year 1993: Illinois: O'Hare Airport—Aerospace Ground Equipment Shop	1.700
Aerospace Ground Equipment Shop	1.700
Subtotal	1.700
Total	346.432

TITLE XXI—ARMY

FISCAL YEAR 1994

The House bill would authorize $2,397,883,000 for Army military construction and family housing programs for fiscal year 1994.

The Senate amendment would authorize $2,369,330,000 for this purpose.

The conferees recommend authorization of $2,378,919,000 for Army military construction and family housing for fiscal year 1994.

Termination of authority to carry out certain projects (sec. 2105)

The Senate amendment contained a provision (sec. 2105) that would repeal certain military construction authorizations contained in the National Defense Authorization Acts for Fiscal Years 1992/1993 and 1993 (Public Laws 102-190 and 102-484). These projects were no longer needed due to intervening base closure or realignment decisions.

The House bill contained no similar provision.

The House recedes.

Construction of chemical munitions disposal facilities (sec. 2106)

The House bill contained a provision (sec. 2105) that would prohibit the obligation of funds authorized for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama until the Secretary of Defense certifies to Congress that the Johnston Atoll chemical agent disposal system has been fully operational for six months, has met all the required environmental and safety standards, and has proven to be operationally effective. The provision would also require the Secretary of the Army to schedule the award of a construction contract for another chemical munitions disposal facility in the United States during the same 12-month period in which the contract for the Anniston facility is awarded.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment.

TITLE XXII—NAVY

FISCAL YEAR 1994

The House bill would authorize $1,978,167,000 for Navy military construction and family housing programs for fiscal year 1994.

The Senate amendment would authorize $1,866,186,000 for this purpose.

The conferees recommend authorization of $1,858,505,000 for navy military construction and family housing for fiscal year 1994.

Termination of authority to carry out certain projects (sec. 2205)

The Senate amendment contained a provision (sec. 2205) that would repeal certain military construction authorizations contained in the National Defense Authorization Acts for Fiscal Years 1990/1991, 1992, and 1993 (Public Laws 101-189, 102-190 and 102-484). These projects were no longer needed due to intervening base closure and realignment decisions.

The House bill contained no similar provision.

The House recedes with an amendment that would adjust the list of terminated projects to delete projects that have already been placed under contract or are otherwise required. The amendment also would add projects that are no longer needed because of mission changes unrelated to base closures or realignments.

TITLE XXIII—AIR FORCE

FISCAL YEAR 1994

The House bill would authorize $2,031,428,000 for Air Force military construction and family housing programs for fiscal year 1994.

The Senate amendment would authorize $2,101,925,000 for this purpose.

The conferees recommend authorization of $2,040,031,000 for Air Force military construction and family housing for fiscal year 1994.

Termination of authority to carry out certain projects (sec. 2305)

The Senate amendment contained a provision (sec. 2305) that would repeal certain military construction authorizations contained in the National Defense Authorization Acts for Fiscal Years 1992/1993 and 1993 (Public Laws 102-190 and 102-484). These projects were no longer needed due to intervening base closure or realignment decisions.

The House bill contained no similar provision.

The House recedes with an amendment that would update the list of terminated projects.

Relocation of Air Force activities from Sierra Army Depot, California to Beale Air Force Base, California (sec. 2306)

The House bill contained a provision (sec. 2305) that would amend section 2301(a) of the Military Construction Authorization Act for 1991 (Division B of Public Law 101-510) by striking funding for the Sierra Army Depot and authorizing funding for Beale Air Force Base for construction of a student dormitory and a munitions maintenance facility.

The Senate amendment contained two similar provisions (secs. 2306 and 2307).

The Senate recedes.

Combat arms training and maintenance facility relocation, from Wheeler AFB, Hawaii to Schofield Barracks Open Range, Hawaii (sec. 2307)

The House bill contained a provision (sec. 2306) that would amend section 2301(a) of the Military Construction Authorization Act for 1991 (Division B of Public Law 101-519) by striking the authorization of funds at Wheeler Air force Base, Hawaii to construct a combat arms training and maintenance facility and authorizing this same project at Schofield Barracks, Hawaii.

The Senate amendment contained a similar provision (sec. 2308).

The Senate recedes.

Financial assistance for improvement of Dysart Channel, Luke Air Force Base, Arizona (sec. 2308)

The House bill contained a provision (sec. 2307) that would authorize the Secretary of the Air Force to transfer up to $6.0 million to Maricopa County, Arizona, as the service's share of the renovation and improvement of a drainage channel that, among other things, protects Air Force real property on Luke Air Force Base, Arizona.

The Senate amendment contained a similar provision (sec. 2839) that would authorize an identical sum to the Maricopa County Flood District, Arizona.

The House recedes with a clarifying amendment.

Authority to transfer funds for school construction for Lackland Air Force Base, Texas (sec. 2309)

The House bill contained a provision (sec. 2308) that would authorize the Secretary of the Air Force to provide up to $8.0 million of the amount authorized in section 2304(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to the Lackland Independent School District, Texas, for the design and construction of certain school facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority to transfer funds for family housing, Scott Air Force Base, Illinois (sec. 2310)

The House bill contained a provision (sec. 2309) that would authorize the Secretary of the Air Force to transfer funds to the County of St. Clair, Illinois for construction of up to 1,068 military family housing units at Scott Air Force Base, Illinois pursuant to the authority contained in section 2302 of the National Defense Authorization Act for Fiscal Year 1993 (Public law 102-484).

The Senate amendment contained a similar provision (sec. 2309).

The House recedes.

Revised authorization for family housing, Randolph Air Force Base, Texas (sec. 2311)

The Senate amendment contained a provision (sec. 2310) that would amend section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189), by authorizing a $95,000 unit cost for certain family housing at Randolph Air Force Base, Texas.

The House bill contained no similar provision.

The House recedes.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1994

The House bill would authorize $4,304,684,000 for Defense Agencies military construction and family housing programs for fiscal year 1994. This title includes authorization of funds for base closure and realignment activities.

The Senate amendment would authorize $4,097,814,000 for this purpose.

The conferees recommend authorization of $3,268,394,000 for Defense Agencies military construction and family housing for fiscal year 1994.

Energy conservation projects (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects using funds authorized in section 2403(a)(12) of this act.

The Senate amendment contained a similar provision (sec. 2402).

The House recedes.

Termination of authority to carry out certain projects (sec. 2404)

The Senate amendment contained a provision (sec. 2404) that would repeal certain military construction authorizations contained in the National Defense Authorization Act for Fiscal Year 1992/1993 (Public Law 102-190). These projects were no longer needed due to intervening base closure or realignment decisions.

The House bill contained no similar provision.

The House recedes.

TITLE XXV—NATO

FISCAL YEAR 1994

The House bill and the Senate amendment would authorize $240.0 million for the U.S. contribution to the NATO Infrastructure program for fiscal year 1994.

The conferees recommend a $140.0 million authorization for this purpose, conforming the authorization to the Military Construction Appropriations Act for Fiscal Year 1994.

TITLE XXVI—GUARD AND RESERVE

FISCAL YEAR 1994

The House bill would authorize $645,032,000 for military construction and land acquisition for fiscal year 1993 for the National Guard and Reserve components.

The Senate amendment would authorize $729,078,000 for this purpose.

The conferees recommend authorization of $720,197,000 for military construction and land acquisition for fiscal year 1994. This authorization would be distributed as follows:

Army National Guard	$283,483,000
Army Reserve	101,433,000
Naval/Marine Corps Reserve	25,013,000
Air National Guard	236,341,000
Air Force Reserve	73,927,000

Reduction in certain prior year authorizations of appropriations for reserve military construction projects (sec. 2602)

The Senate amendment contained a provision (sec. 2602) that would reduce certain reserve component authorizations for fiscal years 1990, 1991, 1992, and 1993 to adjust for military construction projects, requested for those years, that are no longer required due to intervening base closure or realignment decisions.

The House bill contained no similar provision.

The House recedes with an amendment that would update the list of terminated projects that were no longer needed.

United States Army Reserve Command headquarters facility (sec. 2603)

The conferees agree to a provision that would authorize the construction of a headquarters facility for the U.S. Army Reserve Command at Fort McPherson, Georgia.

TITLE XXVIII—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Military family housing leasing programs (sec. 2801)

The House bill contained a provision (sec. 2802) that would amend section 2828 of title 10, United States Code, to provide annual adjustment to the threshold of high-cost domestic leases based on the Consumer Price Index.

The Senate amendment contained a similar provision (sec. 2801) that would permit 300 Department of Defense overseas leases to be increased above the statutory limit and adjusted to changes in the Consumer Price Index.

The Senate recedes with an amendment that would authorize the Secretary of the Navy to lease up to 2,000 additional units of family housing in Italy subject to the maximum lease amount.

The conferees are concerned about the cost of overseas leases for military family housing and recognize the situation in Italy as an exceptional case. This in no way prejudices whether the Navy's prospective leasing of overseas housing is effective. The conferees intend to reconsider overseas leasing costs as a burdensharing issue.

Sale of electricity from alternate energy and cogeneration production facilities (sec. 2802)

The House bill contained a provision (sec. 2803) that would amend section 2483(b) of title 10, United States Code, to clarify the authority to use proceeds from the sale of electricity from alternate energy and cogeneration production facilities.

The Senate amendment contained a similar provision (sec. 2802).

The Senate recedes with a technical amendment.

Authority for military departments to participate in water conservation programs (sec. 2803)

The Senate amendment contained a provision (sec. 321) that would allow the Department of Defense to participate in water conservation programs conducted by water utilities.

The House bill contained no similar provision.

The House recedes with a technical amendment that would allow the Department of Defense to participate in water conservation programs sponsored by any type of utility.

Clarification of authority for energy conservation programs at military installations (sec. 2804)

The Senate amendment contained a provision (sec. 322) that would amend section 2865 of title 10, United States Code, to allow funds saved as a result of water conservation activities at military installations to be retained by the military services and used for additional defense purposes.

The House bill contained a similar provision (sec. 2804).

The House recedes with a technical amendment.

In pooling the funds generated by the sale of electricity with those available from conservation savings for use by the heads of departments, agencies, or instrumentalities that have realized conservation savings, the conferees intend that such proceeds from the sale of electricity be available to those who have reaped conservation savings, including, where applicable, those who have generated conservation savings by using cogeneration facilities pursuant to the energy conservation plan.

Authority to acquire existing facilities in lieu of carrying out construction authorized by law (sec. 2805)

The House bill contained a provision (sec. 2805) that would amend title 10, United States Code, by authorizing the secretaries of the military services to acquire existing facilities in lieu of authorized construction projects if the secretary determines that acquisition would be more cost-effective and advantageous to the government.

The Senate amendment contained a similar provision (sec. 2804).

The House recedes with an amendment that would require the service secretary to wait 30 days after congressional notification before entering into a formal agreement for acquisition of such facilities. The Secretary also would be authorized to make necessary modifications or conversions to the acquired facility if the cost of such alterations does not exceed the authorized amount of the project. Such costs would be factored into the overall judgment of whether acquisition in lieu of construction is more advantageous to the government.

Clarification of Department of State housing pool participation (sec. 2806)

The House bill contained a provision (sec. 2806) that would amend subsection 2834(b) of title 10, United States Code, to clarify existing Department of Defense authority to accept housing leased by the Department of State.

The Senate amendment contained a similar provision (sec. 2805).

The Senate recedes.

Extension of authority to lease real property for special operations activities (sec. 2807)

The Senate amendment contained a provision (sec. 2806) that would extend, for two years, the existing authority and associated reporting requirements related to leasing options available to special operations forces that are contained in section 2680 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Broward County, Florida (sec. 2811)

The House bill contained a provision (sec. 2826) that would authorize the Secretary of the Navy to convey approximately 18.45 acces of land and improvements located on Fort Lauderdale-Hollywood International Airport, Florida to Broward County. In exchange, the county would either pay the costs of constructing a suitable replacement facility or pay an amount equal to the fair market value of the parcel which the Navy would use to construct such a facility.

The Senate amendment contained a similar provision (sec. 2840).

The House recedes with an amendment that would provide the Secretary of the Navy with the option of accepting a replacement facility or the payment of the fair market value of the property to be conveyed.

Land conveyance, Naval Air Station, Oceana, Virginia (sec. 2812)

The House bill contained a provision (sec. 2826) that would authorize the Secretary of the Navy to convey, at fair market value, approximately 3.5 acres of real property and appropriate easements at Oceana Naval Air Station, Virginia.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Craney Island Fuel Depot, Naval Supply Center, Virginia (sec. 2813)

The House bill contained a provision (sec. 2829) that would permit the Secretary of the Navy to convey, at fair market value, approximately 135.7 acres, including improvements, to the City of Portsmouth, Virginia.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the applicability of environmental statutes and the terms of consideration for this conveyance.

Land conveyance, Portsmouth, Virginia (sec. 2814)

The House bill contained a provision (sec. 2830) that would permit the Secretary of the Navy to convey, at fair market value, approximately 1.45 acres of land to the Peck Iron and Metal Company.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the applicability of environmental statutes to this land conveyance.

Land conveyance, Iowa Army Ammunition Plant, Iowa (sec. 2815)

The House bill contained a provision (sec. 2837) that would authorize the Secretary of the Army, to convey, at fair market value, approximately 127 acres of real property and improvements at the Iowa Army Ammunition Plant, Iowa to the city of Middletown, Iowa.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Conveyance of Radar Bomb Scoring Site, Conrad, Montana (sec. 2816)

The Senate amendment contained a provision (sec. 1838) that would authorize the Secretary of the Air Force to convey, without consideration, approximately 42 acres of land and improvements that constitutes the support base for the former Radar Bombing Scoring Site, Conrad Montana. The condition for the conveyance would be that the property be used for housing and recreation purposes.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Charleston, South Carolina (sec. 2817)

The Senate amendment contained no similar provision (sec. 2842) that would authorize the Secretary of Navy to convey, at no less than fair market value, approximately 10.9 acres of land that comprise a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina to the Division of Public Railways, South Carolina Department of Commerce.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Fort Missoula, Montana (sec. 2818)

The Senate amendment contained no similar provision (sec. 2844) that would authorize the Secretary of the Army to determine whether approximately 11 acres of land and improvements located in Fort Missoula, Missoula County, Montana is excess to the needs of the Department of the Army. If the property is excess, the Secretary may convey the property to the Northern Rockies Heritage Center for historic, cultural, or educational purposes.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the non-profit, tax exempt status of the Northern Rockies Heritage Center, and would clarify the applicability of environmental statutes to this conveyance. The conferees agree that prior to transferring the parcel identified in this section, the Department of Defense must comply with all other applicable provisions of law.

Release of reversionary interest, Old Spanish Trail Armory, Harris County, Texas (sec. 2820)

The House bill contained a provision (sec. 2827) that would authorize the Secretary of the Army to release the reversionary interests of the United States in and to approximately 6.89 acres of real property containing the Old Spanish trail Armory in Harris County, Texas. The provision would also allow a fair market exchange of real property between the University of Texas and the Texas National Guard Armory Board.

The Senate amendment contained no similar provision.

The Senate recedes.

Land easement, West Loch Branch, Naval Magazine Lualualei, Hawaii (sec. 2821)

The conferees agree to a provision that would authorize the Secretary of the Navy to grant a land easement for drainage and other public purposes to the city or county of Honolulu, Hawaii, on property constituting a portion of West Loch Branch, Naval Magazine Lualualei, Hawaii. In consideration, the grantee would pay the Navy fair market value for this interest.

Land transfer, Fort Sheriden, Illinois and Arlington County, Virginia (sec. 2822)

The Senate amendment contained a provision (sec. 2845) that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives on the proposed transfer of land located at Fort Sheridan, Illinois for a 7.1 acre parcel of real property located in Arlington, Virginia for the purpose of constructing and operating the National Museum of the United States Army.

The House bill contained no similar provision.

The House recedes.

Modification of land conveyance, New London, Connecticut (sec. 2831)

The House bill contained a provision (sec. 2824) that would amend section 2841(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The original legislation contained a 20 year lease which the Navy terminated prematurely, rendering the original fair market value transfer formula moot. The provision would modify the original legislation and allow the land conveyance to proceed at less than fair market value.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia (sec. 2832)

The Senate amendment contained a provision (sec. 2837) that would modify section 2846 of the National Defense Authorization Act for Fiscal Year 1993 by providing more flexible terms of payment and the authority for the Naval Reserve to lease back the Atlanta Naval Reserve Center once it has been purchased by the Georgia Institute of Technology. The term of the lease is intended to last only until new Naval Reserve facilities are completed.

The House bill contained no similar provision.

The House recedes.

Modification of lease authority, Naval Supply Center, Oakland, California (sec. 2833)

The House bill contained a provision (sec. 2836) that would amend paragraph (1) of sub-

section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484) to revise the amount of land available for lease from 195 acres to those portions of the Naval Supply Center, Oakland, California, that the Secretary of the Navy determines to be available for lease to the City or Port of Oakland for nominal consideration.

The Senate amendment contained no similar provision.

The Senate recedes.

Expansion of land transaction authority involving Hunters Point Naval Shipyard, San Francisco, California (sec. 2834)

The House bill contained a provision (sec. 2835) that would amend section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (Division B of Public Law 101-510) to authorize the Secretary of the Navy to convey property to the City of San Francisco in lieu of entering into a lease.

The Senate amendment contained no similar provision.

The Senate recedes.

Conveyance of natural gas distribution system, Fort Belvoir, Virginia (sec. 2841)

The House bill contained a provision (sec. 2831) that would authorize the Secretary of the Army to convey to the Washington Gas Company, Virginia, at no less than fair market value, the natural gas distribution system on Fort Belvoir, Virginia.

The Senate amendment contained a similar provision (sec. 2831).

The House recedes.

Conveyance of the water distribution system, Fort Lee, Virginia (sec. 2842)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Army to convey to the local water company, at no less than fair market value, the water service and water distribution system at Fort Lee, Virginia.

The Senate amendment contained a similar provision (sec. 2832).

The House recedes.

Conveyance of waste water treatment facility, Fort Pickett, Virginia (sec. 2843)

The House bill contained a provision (sec. 2833) that would authorize the Secretary of the Army to convey, at not less than fair market value, the waste water treatment facility at Fort Pickett, Virginia to the town of Blackstone, Virginia.

The Senate amendment contained a similar provision (sec. 2833).

The House recedes.

The Fort Pickett water treatment facility is being conveyed at the request of the town of Blackstone, Virginia, and should not be viewed as a precedent for, or encouragement of, transfers of water treatment facilities on a nationwide basis. Any transfers of Department of Defense water treatment facilities should be examined on a case-by-case basis. This is particularly true if transfers of ownership of waste water treatment works are driven by motivations to alter the application of environmental laws and regulations to a particular facility in a manner that is less protective of the environment.

Conveyance of water distribution system and reservoir, Stewart Army Subpost, New York (sec. 2844)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey, at no less than fair market value, the water distribution system and reservoir at the Stewart Army Subpost, New York to the town of New Windsor, New York.

The Senate amendment contained a similar provision (sec. 2834).

The House recedes.

Transfer of electric power distribution system at Naval Air Station, Alameda, California, to the City of Alameda Bureau of Electricity (sec. 2845)

The House bill contained a provision (sec. 2838) that would authorize the Secretary of the Navy to convey to the Bureau of Electricity of the City of Alameda, California, the electric power distribution system located at the Naval Air Station, Alameda, California.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would bring this provision into conformance with similar utility system conveyances contained elsewhere in this act.

Conveyance of electrical distribution system, Fort Dix, New Jersey (sec. 2846)

The Senate amendment contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey to the local electrical utility company, at no less than fair market value, the electrical distribution system on Fort Dix, New Jersey.

The House bill contained no similar provision.

The House recedes.

Lease of real property, Camp Pendleton, California (sec. 2847)

The House bill contained a provision (sec. 2828) that would provide for the lease of real property, known as the San Mateo Basin, at Camp Pendleton, California, for a period of up to 50 years to the Tri-Cities Municipal Water District. All improvements and operation and maintenance costs, along with cash or additional required services in an amount equal to fair market value, would be provided by the Water District.

The Senate amendment contained a similar provision (sec. 2835).

The Senate recedes.

Disposition of real property at missile sites to adjacent landowner (sec. 2851)

The Senate amendment contained a provision (sec. 2856) that would amend section 9781 of title 10, United States Code, to authorize the Administrator of General Services to convey, for fair market value, excess real property at Air Force missile sites to adjacent land owners.

The House bill contained no similar provision.

The House recedes.

DOD vaccine production facility (sec. 2852)

The Senate amendment contained a provision (sec. 2852) that would prohibit the Department of Defense from obligating funds authorized in fiscal year 1994 for the Department of the Army for either the architectural design or construction of a vaccine production facility. The provision would direct the Secretary of Defense, in consultation with the Secretary of the Army, to submit a report to the Congress on the need for a DOD facility by February 1, 1994.

The House bill contained no similar provision.

The House recedes.

The conferees have concerns about the necessity for a dedicated DOD vaccine production facility. In the event the Department includes funds for a facility in the fiscal year 1995 budget request, the conferees agree that a report to Congress would facilitate the decisionmaking process. The report shall include: a cost-benefit analysis of the alternatives for a vaccine production facility, and a comparison of the costs to construct a dedicated DOD facility with the cost of a contracted commercial production and a civilian dual-use facility; and information on the appropriate vaccines necessary to protect the projected U.S. force. The report shall also address the economic feasibility of contracting with U.S. or foreign manufacturers to supply the necessary vaccines and the issue of indemnification. Additionally, the report shall include information on the Defense Department's plans to supply the necessary vaccines in the period between construction and the projected completion and validation of the facility.

Grant relating to elementary school for military dependents, Fort Belvoir, Virginia (sec. 2853)

The Senate amendment contained a provision (sec. 2853) that would authorize the Secretary of the Army to make a direct grant of $8.0 million to the Fairfax County School Board, Virginia, to support the construction of a replacement public school on Fort Belvoir, Virginia that the local school system operates. The local school system would assume complete facility maintenance responsibility when the construction is completed.

The House bill contained no similar provision.

The House recedes.

Allotment of space in federal buildings to credit unions (sec. 2854)

The Senate bill contained a provision (sec. 2854) concerning allotment of space in federal buildings to credit unions.

The House bill contained no similar provision.

The House recedes.

Flood control project (sec. 2855)

The House bill contained a provision (sec. 2841) that would direct the Secretary of the Army to construct the Coyote and Berryessa Creeks flood control project in Santa Clara, California using funds appropriated to the U.S. Army Corps of Engineers for fiscal year 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Restrictions on land transactions relating to the Presidio of San Francisco, California (sec. 2856)

The conferees are concerned about a pending transfer of land at the Presidio of San Francisco, California from the Army to the Department of the Interior. Upon completion of this transfer, land now occupied by the Army would become part of the Golden Gate National Park. The conferees agree to a provision that would require, as a condition precedent to the transfer of land to the Department of the Interior, the Secretary of the Army to determine that the property to be transferred is excess to Army needs. In addition, the Secretary of Defense would be required to submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the circumstances under which the property transfer would take place and under which the Army would continue to use facilities at the Presidio.

LEGISLATIVE PROVISIONS NOT ADOPTED

Termination of authority to carry out land acquisition in Muskingum County, Ohio

The House bill contained a provision (sec. 2602) that would amend the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) by repealing a $5.67 million

authorization for a land acquisition to establish an Army National Guard training area in Muskingum county, Ohio.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct that the land acquisition previously authorized for a maneuver area in Muskingum County, Ohio, be terminated. The conferees further direct that the National Guard Bureau reprogram a portion of the funds previously authorized for that purpose to construct the following projects in the state of Ohio:

	Amount
Camp Perry, ammunition storage bunker	$246,000
Camp Perry, upgrade fencing/lighting	600,000
Camp Perry, OMS	600,000
Camp Perry, combat pistol range	600,000
Camp Perry, multi-purpose range	600,000
Newton Falls, training equipment site	800,000
Rickenbacker Airport, upgrade fencing/lighting	400,000

Increase in the maximum amount authorized to be obligated for emergency construction

The House bill contained a provision (sec. 2801) that would amend section 2803(c)(1) of title 10, United States Code, to increase the emergency construction authority from $30.0 million to $50.0 million.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe the existing $30.0 million authority is sufficient to meet emergencies in all situations where the President has not declared a national emergency or in the event of war.

Navy housing investment agreements and housing investment board

The House bill contained a provision (sec. 2807) that would amend chapter 649 of title 10, United States Code, to authorize the department of the Navy to invest in limited partnerships for the purpose of developing privately owned family housing units near military installations. This section would establish a board of Navy and private sector individuals to administer a revolving fund.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that many communities adjacent to military bases have not been able to provide safe, affordable housing for military personnel. This shortage of such housing is chronic at certain locations, necessitating lengthy commutes and lowering morale and efficiency. The Department of Defense has not given the House provision the careful examination it requires.

The conferees believe an initiative of this complexity merits executive branch evaluation and congressional examination through oversight hearings prior to consideration for enactment. The conferees direct the Secretary of Defense to review the House provision and the recent Congressional Budget Office report, *Military Family Housing in the United States*, and provide an analysis of the issues to the Committees on Armed Services of the Senate and the House of Representatives by March 30, 1994.

Should the Department conclude that the ideas contained in the House provision have merit, the conferees expect that this initiative would be developed for the benefit of military personnel of all the Services, and submitted to the Congress as part of the fiscal year 1995 budget request.

Conveyance of surplus real property, Fort Ord, California

The House bill contained a provision (sec. 2839) that would authorize the Secretary of the Army to convey certain parcels of real property located at Fort Ord, California for educational purposes to the Regents of the University of California and the Trustees of the California State University.

The Senate amendment contained no similar provision.

The House recedes.

In agreeing to the provisions relating to base closures in title XXIX of this act, the conferees intend to reduce the complexity of the existing system and allow for innovative reuse programs such as the program proposed by the reuse committee at Fort Ord.

Specifically, the conferees recognize that development without delay is critical to the success of the private-public effort. Because the University of California and the California State University system are public entities, the universities are eligible under section 2903 of this act to receive property at Fort Ord both for educational purposes and to foster economic redevelopment through transfer.

The conferees support the commitment of the Department of Defense, as expressed in a letter from the Deputy Secretary of Defense, to convey certain surplus real property at Fort Ord to the Trustees of the California State University system and the Regents of the University of California. The conferees expect the clean parcels of land to be conveyed by the spring of 1994 and parcels requiring environmental remediation to be conveyed as soon as practical.

Use of Army Corps of Engineers to manage military construction projects in Hawaii

The House bill contained a provision (sec. 2842) that would require that all military construction in Hawaii be designed and constructed through the Army Corps of Engineers.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the current division of military construction and military family housing supervision appears to meet the Department of Defense's needs in the state of Hawaii. The Army Corps of Engineers, reflecting the Army's responsibility as executive agent for military family housing in Hawaii, is responsible for design, construction, maintenance, and repair of all the housing facilities in the state. The Naval Facilities Engineering Command (NAVFAC) provides design, construction, and maintenance services for non-military family housing for the navy. The Army Corps of Engineers and NAVFAC share in providing such services to the Air Force and other agencies.

The conferees believe that the current division of labor is appropriate to the mix of military missions in Hawaii. The conferees encourage the military departments to periodically review these arrangements should the state experience significant force structure changes.

Special rule for military construction on certain lands in the state of Hawaii

The House bill contained a provision (sec. 2843) that would require consultation with, and the written concurrence of, the Governor of the state of Hawaii before military construction could be carried out at an installation located on public lands the Republic of Hawaii ceded to the United States.

The Senate amendment contained no similar provision.

The House recedes.

Evaluation and report on proposals for purchase or lease of certain facilities, Arlington, Virginia

The Senate amendment contained a provision (sec. 2814) that would direct the Secretary of the Navy to evaluate revised lease proposals for buildings the Navy currently occupies in Arlington, Virginia. These proposals were submitted to the Base Closure and Realignment Commission during its deliberations and subsequent recommendation to relocate Navy activities from leased facilities in Arlington to government-owned facilities at other locations.

The House bill contained no similar provision.

The Senate recedes. The conferees understand that during the Commission's deliberations, it received various unsolicited and revocable lease and sale offers for buildings in Northern Virginia that are presently occupied by Navy tenants. The Commission did not have the information or expertise to evaluate property whether these offers provided the best value to the government, or if they met the Navy's requirements.

The conferees believe that any potential to save resources should be explored. Therefore, the conferees direct the Navy, in coordination with the General Services Administration, to carefully scrutinize and refine such offers. The Navy shall submit a report, no later than May 1, 1994, to the Committees on Armed Services of the Senate and the House of Representatives on the potential benefits, if any, to the government of such offers. The conferees believe this recommendation is consistent with the findings and recommendations of the 1993 Base Closure and Realignment Commission.

Land transfer, Woodbridge Research Facility, Virginia

The Senate amendment contained a provision (sec. 2841) that would direct the Secretary of the Army to transfer, without reimbursement, approximately 580 acres of land comprising the Harry Diamond Army Research Laboratory, Woodbridge Research Facility, Virginia to the Secretary of the Interior for incorporation into the Marumsco National Wildlife Refuge, Virginia.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that the Senate provision was in response to a provision in the House-passed Military Construction Appropriations Bill for Fiscal Year 1994 that would have transferred to the Library of Congress, contrary to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) procedures, a portion of the Woodbridge property for a use that was not compatible with the natural setting. The conferees understand that the Library of Congress was provided with an alternative site through special legislation. Therefore, the Senate provision is no longer necessary, and the property at Woodbridge will be disposed of in accordance with the Defense Base Closure and Realignment Act of 1990.

The conferees support the Secretary of the Interior's intention to obtain this property at the earliest possible date and urge the Secretary of the Army to support the transfer.

Report on economic and environmental effects of the transfer of Mine Warfare Center of Excellence

The Senate amendment contained a provision (sec. 2851) that would direct the Secretary of the Navy to submit to the congressional defense committees an environmental

impact statement and an economic assessment of the establishment of the Mine Warfare Center of Excellence at Ingleside, Texas. The amendment would preclude any further movement of activities to Ingleside until the reports were received.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that the Navy's dismal record of mine countermeasure during the Persian Gulf war mandates extraordinary efforts. The conferees also acknowledge that the Mine Warfare Center of Excellence is a worthy endeavor. However, when the Department of Defense is closing installations, it is important that the Navy's plans to establish the Center be both environmentally and economically sound. The conferees are aware that the Navy is conducting a supplemental environmental impact statement on the movement of mine warfare forces to Ingleside and that the Office of the Secretary of defense is doing a total cost analysis of consolidating mine warfare forces at Ingleside/Corpus Christi. The conferees direct the Secretary of Defense to provide this cost analysis to the congressional defense committees.

Study of effects of Air Force activities on Duck Valley Reservation

The Senate amendment contained a provision (sec. 2855) that would direct the Secretary of the Air Force to study the effects of Air Force operations on the Duck Valley Reservation of the Shoshone-Paiute Tribes in the States of Idaho and Nevada.

The House bill contained no similar provision.

The Senate recedes.

Massachusetts Military Reservation environmental concerns

The conferees understand that there are problems at the Massachusetts Military Reservation, which includes Otis Air National Guard Base, regarding the long-run environmental impact of the Reservation's facilities and activities, both current and planned. The conferees believe that the National Guard should address these issues as expeditiously as possible.

Authorization of projects not appropriated

The conferees did not recommend authorizations for military construction projects that were not funded in the Military Construction Appropriations Act for Fiscal Year 1994. However, the conferees would authorize the following two Reserve component projects which were in the budget request, authorized and appropriated by both the Senate and the House, but subsequently deleted during the appropriations conference.

Florida: Army National Guard—Eglin AFB—multipurpose range complex	$3,825,000
New Hampshire: Air National Guard—Pease AFB—upgrade KC-135 hydrant fueling system	5,600,000

The conferees have taken this unusual action because these projects have greater priority than those that received an appropriation, and because of the congressional support these two projects received throughout the legislative process. The conferees agree that both projects are essential to unit operations and readiness. Therefore, the conferees direct the Directors of the Army National Guard and the Air National Guard to submit a reprogramming request for the construction of these projects as soon as possible. Based upon the colloquies during final Senate consideration of the Military Construction Appropriations Act of Fiscal Year 1994, the conferees understand that the reprogramming requests will be considered favorably.

Navy unspecified minor construction

The conferees direct that, within funds authorized for unspecified minor construction, the Marine Corps undertake the following unspecified minor construction projects in fiscal year 1994: (1) $1.4 million, controlled humidity warehouse, Beaufort Marine Corps Air Station, South Carolina; and (2) $750,000, emergency off base water supply and $1.0 million, flood protection, Camp Pendleton Marine Corps Base, California.

The conferees note that two additional projects at Camp Pendleton, relocation of six water wells and replacement of drainage structure, exceed the unspecified minor construction ceiling but encourage the Department of the Navy to budget these projects in the earliest fiscal year possible.

Homestead Air Force Base, Florida

The conferees are aware of the Air Force Reserve's need for a medical training facility at Homestead Air Force Base, Florida. The decision by the 1993 Defense Base Closure and Realignment Commission to retain an Air Force Reserve fighter wing and rescue squadron at Homestead in cantonment areas justifies this military construction requirement.

The conferees direct the Secretary of Defense to fund the medical training facility ($2.75 million) within funds authorized in the base realignment and closure III account.

Comiso buyout of leases

The conferees note that the budget request for the Air Force included $20.2 million for family housing at Comiso Air Base, Italy. The purpose of this request was to buyout the unexpended term of a lease of family housing that was entered into when this ground launched cruise missile (GLCM) base was constructed in the mid-1980s. While the authorizing committees of both the Senate and the House of Representatives recommended support of this request, the conferees deleted this authorization because there was no accompanying appropriation. The conferees recommend that funds authorized to the Air Force for family housing operations be used if this initiative is pursued.

In light of the "dual track" diplomatic strategy that was used to deploy the GLCM force in Europe (i.e., construct bases and deploy the weapons while simultaneously negotiating the theater ban on such weapons), the conferees are dismayed that a U.S. long-term lease associated with any of these bases would not contain a provision for cancellation at the convenience of the government. Had such a provision been included in the lease, the conferees understand that this $20.2 million liability to pay for housing that is of no use to U.S. forces at Comiso Air Base would have been avoided.

The conferees direct the Secretary of the Air Force to submit a report to the congressional defense committees no later than 180 days after enactment of this act on leases associated with the development and deployment of GLCM forces in Europe. The report should include:

(1) a brief description of each lease supporting each GLCM base with particular reference to the U.S. government's termination rights;

(2) in the case where termination for government convenience was not included, the reason for such omission;

(3) the extent of the U.S. government's participation or prospective liability to pay for the use of facilities that are no longer needed in light of the withdrawal of these forces and, in most cases, the closure of their support bases; and

(4) an assessment of the scope and cost of termination liability for a facility or other lease arrangements associated with the closure of overseas installations. This last issue should be addressed in coordination with the Secretary of the Army.

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
0	ALABAMA	ARMY	ANNISTON ARMY DEPOT	CHEMICAL DEMILITARIZATION FAC (PHASE IV)	110,900	106,033	110,900	95,300
1	ALABAMA	ARMY	FORT RUCKER	ROAD IMPROVEMENTS	0	1,300	1,300	1,300
2	ALABAMA	ARMY	FORT RUCKER	PETROLEUM LAB AND FUEL STORAGE	5,800	5,800	5,800	5,800
3	ALABAMA	ARMY	FORT RUCKER	OPERATIONS FACILITY	1,150	1,150	1,150	1,150
4	ALABAMA	ARMY	FORT RUCKER	SOLDIER SERVICE CENTER	0	14,400	0	14,400
5	ALABAMA	ARMY	FORT RUCKER	WHOLE BARRACKS RENEWAL	20,000	20,000	20,000	20,000
6	ALABAMA	AIR FORCE	GUNTER AFB	HAZARDOUS WASTE ACCUMULATION FACILITY	310	310	310	310
7	ALABAMA	AIR FORCE	GUNTER AFB	EMERGENCY POWER GENERATOR PLANT	1,200	1,200	1,200	1,200
8	ALABAMA	AIR FORCE	GUNTER AFB	SPILL CONTAINMENT CONTROLS	470	470	470	470
9	ALABAMA	AIR FORCE	GUNTER AFB	CHILD DEVELOPMENT CENTER	2,700	2,700	2,700	2,700
10	ALABAMA	AIR FORCE	MAXWELL AFB	UNDERGROUND FUEL STORAGE TANKS	1,700	1,700	1,700	1,700
11	ALABAMA	AIR FORCE	MAXWELL AFB	AIR FORCE QUALITY CENTER	4,650	4,650	4,650	4,650
12	ALABAMA	AIR FORCE	MAXWELL AFB	SPILL CONTAINMENT CONTROLS	970	970	970	970
13	ALABAMA	AIR FORCE	MAXWELL AFB	TAXIWAY/RAMP	3,800	3,800	3,800	3,800
14	ALABAMA	AIR FORCE	MAXWELL AFB	UPGRADE UTILITY SYSTEMS (PHASE I)	5,050	5,050	5,050	5,050
15	ALABAMA	DEFENSE AGENCIES	FORT MCCLELLAN	FT MCCLELLAN ELEM SCHOOL ADDN	2,798	2,798	2,798	2,798
16	ALABAMA	ARMY NATL GUARD	MONTGOMERY	ORGANIZATIONAL MAINT SHOP	0	0	389	389
17	ALABAMA	ARMY NATL GUARD	BIRMINGHAM	AVIATION SUPPORT FACILITY	0	0	4,907	4,907
18	ALABAMA	ARMY NATL GUARD	FORT MCCLELLAN	TRAINING SITE ADDITION	0	0	14,074	0
19	ALABAMA	ARMY NATL GUARD	MOBILE	ORGANIZATIONAL MAINT SHOP	502	502	502	502
20	ALABAMA	ARMY NATL GUARD	CULLMAN	ADD/ALTER COMBINED SUPPORT MAINT. SHOP	0	5,070	5,070	5,070
21	ALABAMA	ARMY NATL GUARD	EGLIN AIR FORCE BASE (FL)	RANGE,MULTIPURPOSE COMPLEX (MPRC)	3,825	3,825	3,825	3,825
22	ALABAMA	ARMY RESERVE	BIRMINGHAM	BATTLE PROJECTION CENTER	4,719	4,719	4,719	4,719
23	ALABAMA	AIR NATL GUARD	DANNELLY FIELD	VEHICLE MAINTENANCE COMPLEX	1,750	1,750	1,750	1,750
24	ALABAMA	AIR NATL GUARD	ABSTON ANG STATION	COMMUNICATIONS & ELECTRONICS TRAINING FAC	693	693	693	693
25	ALABAMA	AIR NATL GUARD	ABSTON ANG STATION	RELOCATE COMMUNICATION UNIT	0	0	7,100	0
26	ALABAMA	AIR NATL GUARD	BIRMINGHAM MAP	ROAD RELOCATION	0	6,200	0	6,200
27	ALABAMA	AIR NATL GUARD	BIRMINGHAM MAP	FUEL CELL DOCK	4,400	4,400	4,400	4,400
28	ALABAMA	AIR NATL GUARD	BIRMINGHAM MAP	AIRCRAFT MAINTENANCE HANGAR	5,500	5,500	5,500	5,500
29	ALASKA	ARMY	FORT WAINWRIGHT	WASTE OIL BURNING POWER PLANT	0	0	740	740
30	ALASKA	ARMY	FORT RICHARDSON	JOINT MOBILITY CENTER	0	0	10,000	10,000

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
31	ALASKA	ARMY	FORT RICHARDSON	ROAD IMPROVEMENT	0	0	770	0
32	ALASKA	AIR FORCE	FORT RICHARDSON	JOINT MOBILITY CENTER	0	0	5,500	5,500
33	ALASKA	AIR FORCE	EIELSON AFB	FIRE TRAINING FACILITY	2,400	2,400	2,400	2,400
34	ALASKA	AIR FORCE	EIELSON AFB	UPGRADE WATER TREATMENT PLANT	0	0	3,750	3,750
35	ALASKA	AIR FORCE	EIELSON AFB	CHILD DEVELOPMENT CENTER	5,400	5,400	5,400	5,400
36	ALASKA	AIR FORCE	EIELSON AFB	UPGRADE WASTE WATER PLANT	0	0	1,750	1,750
37	ALASKA	AIR FORCE	ELMENDORF AFB	ADD TO SANITARY SEWER SYSTEM	5,100	5,100	5,100	5,100
38	ALASKA	AIR FORCE	ELMENDORF AFB	DINING FACILITY	6,800	6,800	6,800	6,800
39	ALASKA	AIR FORCE	ELMENDORF AFB	MUNITIONS MAINTENANCE FACILITY	2,100	2,100	2,100	2,100
40	ALASKA	AIR FORCE	ELMENDORF AFB	HAZARDOUS WASTE STORAGE FACILITY	3,900	3,900	3,900	3,900
41	ALASKA	AIR FORCE	ELMENDORF AFB	CHILD DEVELOPMENT CENTER	5,070	5,070	5,070	5,070
42	ALASKA	AIR FORCE	ELMENDORF AFB	CORROSION CONTROL FACILITY	5,975	5,975	5,975	5,975
43	ALASKA	AIR FORCE	ELMENDORF AFB	RUNWAY REPAIR	0	0	2,500	2,500
44	ALASKA	AIR FORCE	ELMENDORF AFB	MUNITIONS EQUIPMENT FACILITY	1,860	1,860	1,860	1,860
45	ALASKA	AIR FORCE	CAPE ROMANZOV AFS	REPLACE TRAMWAY SYSTEM	3,350	0	3,350	3,350
46	ALASKA	DEFENSE AGENCIES	DEF REUTILIZATION & MKTG OFC FAIRBA	COVERED STORAGE	6,500	6,500	6,500	6,500
47	ALASKA	DEFENSE AGENCIES	ELMENDORF AIR FORCE BASE	HOSPITAL REPLACEMENT (PHASE II)	135,000	37,000	135,000	37,000
48	ALASKA	ARMY RESERVE	FORT RICHARDSON	ADD/ALT USARC/OMS/DS-GS/AMSA/STORAGE	10,324	10,324	10,324	10,324
49	ALASKA	AIR NATL GUARD	EIELSON AFB	FUEL SYSTEM MAINTENANCE HANGAR	0	0	8,900	8,900
50	ALASKA	AIR NATL GUARD	KULIS ANGB	REPLACE UNDERGROUND STORAGE TANKS	1,100	1,100	1,100	1,100
51	ARIZONA	ARMY	FORT HUACHUCA	BATTALION HEADQUARTERS	4,800	4,800	4,800	4,800
52	ARIZONA	ARMY	FORT HUACHUCA	GENERAL PURPOSE ADMINISTRATIVE FACILITY	4,050	4,050	4,050	4,050
53	ARIZONA	NAVY	MCAS YUMA	BARRACKS	0	0	14,100	0
54	ARIZONA	AIR FORCE	DAVIS-MONTHAN	VEHICLE MAINTENANCE FACILITY	0	5,500	5,500	5,500
55	ARIZONA	AIR FORCE	DAVIS-MONTHAN	AIRCRAFT PARTS STORE	0	1,200	1,200	0
56	ARIZONA	AIR FORCE	DAVIS-MONTHAN AFB	UNDERGROUND FUEL STORAGE TANKS	650	650	650	650
57	ARIZONA	AIR FORCE	NAVAJO ARMY DEPOT	ALTER MINUTEMAN II STORAGE FACILITIES	7,250	7,250	7,250	7,250
58	ARIZONA	AIR FORCE	LUKE AFB	FIRE TRAINING FACILITY	800	800	800	800
59	ARIZONA	AIR FORCE	LUKE AFB	DINING FACILITY	4,700	4,700	4,700	4,700
60	ARIZONA	AIR FORCE	LUKE AFB	FLOOD CONTROL	0	6,000	6,000	6,000
61	ARIZONA	AIR FORCE	LUKE AFB	UNDERGROUND FUEL STORAGE TANKS	1,250	1,250	1,250	1,250

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
62	ARIZONA	DEFENSE AGENCIES	MARINE CORPS AIR STATION YUMA	MEDICAL CLINICAL	0	6,000	0	6,000
63	ARIZONA	ARMY NATL GUARD	CAMP NAVAJO, BELLEMONT	WATER FILTRATION SYSTEM		1,000	1,000	1,000
64	ARIZONA	ARMY NATL GUARD	MARANA	DORMITORY/DINING FAC.	0	2,919	0	2,919
65	ARIZONA	ARMY NATL GUARD	MARANA	ORGAN. MAINT. SHOP	0	553	553	553
66	ARIZONA	AIR NATL GUARD	TUCSON IAP	ADD TO AND ALTER COMMUNICATIONS FACILITY	700	700	700	700
67	ARIZONA	AIR NATL GUARD	TUCSON IAP	REPLACE UNDERGROUND STORAGE TANKS	440	440	440	440
68	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	ALTER JRTC OPERATIONS CENTER	1,050	1,050	1,050	1,050
69	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	ADAL ENGINE INSP & REPAIR SHOP	1,200	1,200	1,200	1,200
70	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	ADD/ALTER CHILD DEVELOPMENT CTR	2,250	2,250	2,250	2,250
71	ARKANSAS	ARMY NATL GUARD	CAMP ROBINSON	ARMORY	3,205	3,205	3,205	3,205
72	ARKANSAS	ARMY NATL GUARD	CAMP ROBINSON	RANGE, MODIFIED RECORD FIRE	907	0	907	907
73	ARKANSAS	ARMY NATL GUARD	CAMP ROBINSON	TRNG SITE, UTILITIES RENOV	1,275	1,275	1,275	1,275
74	ARKANSAS	ARMY NATL GUARD	CAMP ROBINSON	TRNG SITE, SEWER IMPROV	4,223	4,223	4,223	4,223
75	ARKANSAS	AIR NATL GUARD	FT SMITH MAP	AIRCRAFT CORROSION CONTROL FACILITY	1,100	1,100	1,100	1,100
76	ARKANSAS	AIR NATL GUARD	LITTLE ROCK AFB	AIRCREW TRAINING FACILITY	3,750	3,750	3,750	3,750
77	CALIFORNIA	ARMY	FORT IRWIN	WHOLE BARRACKS RENEWAL	5,900	5,900	5,900	5,900
78	CALIFORNIA	NAVY	BARSTOW MARINE CORPS LOGISTICS BASE	INDUSTRIAL WASTE TREATMENT PLANT	8,690	8,690	8,690	8,690
79	CALIFORNIA	NAVY	ALAMEDA NAVAL AIR STATION	CONTROL TOWER COMPLEX	4,700	4,700	0	0
80	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS AIR STA	RADAR AIR TRAFFIC CONTROL FACILITY ADDN	3,850	3,850	3,850	3,850
81	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	AUTOMATED FIELD FIRING RANGE	1,340	1,340	1,340	1,340
82	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	SEWAGE FACILITY	7,930	7,930	7,930	7,930
83	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	WATER DISTRIBUTION SYSTEM IMPROVEMENTS	1,380	1,380	1,380	1,380
84	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	ARMORY	480	480	480	480
85	CALIFORNIA	NAVY	EL TORO MARINE CORPS AIR STATION	MAINTENANCE HANGAR ADDITION	1,950	1,950	0	0
86	CALIFORNIA	NAVY	FALLBROOK NAVAL WEAPONS STATION	AMMHARM MISSILE MAGAZINES	4,630	4,630	4,630	4,630
87	CALIFORNIA	NAVY	LEMOORE NAVAL AIR STATION	FIRE FIGHTING TRAINING FACILITY	1,930	1,930	1,930	1,930
88	CALIFORNIA	NAVY	OAKLAND NAVAL SUPPLY CENTER	DEMOLITION/REMEDIATION	0	10,000	0	0
89	CALIFORNIA	NAVY	SAN DIEGO FLEET & INDUSTRIAL SUPPLY	FIRE PROTECTION SYSTEMS	2,270	2,270	2,270	2,270
90	CALIFORNIA	NAVY	SAN DIEGO MARINE CORPS RECRUIT DEPO	WAREHOUSE	1,130	1,130	1,130	1,130
91	CALIFORNIA	NAVY	SAN DIEGO NAVAL HOSPITAL	CHILD DEVELOPMENT CENTER	2,700	2,700	2,700	2,700
92	CALIFORNIA	NAVY	SAN DIEGO NAVAL TRAINING CENTER	FIRE PROTECTION SYSTEM	700	700	0	0

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
93	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND	CARMORY	3,360	3,360	3,360	3,360
94	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND	CACADEMIC INSTRUCTION BUILDING ADDITION	600	600	600	600
95	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND	CANTI-ARMOR TRACKING RANGE MODERNIZATION	3,940	3,940	3,940	3,940
96	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UPGRADE ELECTRICAL SYSTEM	11,520	11,520	11,520	11,520
97	CALIFORNIA	AIR FORCE	VANDENBERG AFB	HARDWARE STORAGE FACILITY	3,500	3,500	3,500	3,500
98	CALIFORNIA	AIR FORCE	VANDENBERG AFB	SLFI-UPGRADE FIRE PROTECTION SYSTEM	1,600	1,600	1,600	1,600
99	CALIFORNIA	AIR FORCE	VANDENBERG AFB	SLFI-TPQ-18 RADAR FACILITY	2,408	2,408	2,408	2,408
100	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UNDERGROUND FUEL STORAGE TANKS	1,700	1,700	1,700	1,700
101	CALIFORNIA	AIR FORCE	BEALE AIR FORCE BASE	EDUCATIONAL CENTER	0	3,150	0	3,150
102	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	FIRE PROTECTION ACFT FACILITIES	1,900	1,900	1,900	1,900
103	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	UPGRADE PARKING APRON	0	6,700	0	6,700
104	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	INTEGRATED MEDIA CENTER	0	1,600	0	1,600
105	CALIFORNIA	AIR FORCE	EDWARDS AFB	UNDERGROUND FUEL STORAGE TANKS	5,400	5,400	5,400	5,400
106	CALIFORNIA	AIR FORCE	EDWARDS AFB	CHILD DEVELOPMENT CENTER	5,900	5,900	5,900	5,900
107	CALIFORNIA	AIR FORCE	TRAVIS AFB	DORM RENOVATION, PHASE VI	0	5,100	0	5,100
108	CALIFORNIA	AIR FORCE	TRAVIS AFB	UNDERGROUND FUEL STORAGE TANKS	2,840	2,840	2,840	2,840
109	CALIFORNIA	AIR FORCE	TRAVIS AFB	AIRCRAFT GENERAL PURPOSE MAINTENANCE SHOP	11,200	11,200	11,200	11,200
110	CALIFORNIA	DEFENSE AGENCIES	EDWARDS AIR FORCE BASE	LIFE SAFETY UPGRADE	1,700	1,700	1,700	1,700
111	CALIFORNIA	DEFENSE AGENCIES	DEFENSE REUTIL AND MARKTNG OFC MARCORMO	RELOCATION	630	630	630	630
112	CALIFORNIA	ARMY NATL GUARD	FRESNO	ARMORY/ORGANIZATIONAL MAINT. SHOP	0	8,147	8,147	8,147
113	CALIFORNIA	ARMY NATL GUARD	FRESNO	OMS MODIFICATION	0	0	905	905
114	CALIFORNIA	ARMY NATL GUARD	FORT FUNSTON (SAN FRANSICO)	VENICLE STORAGE BUILDING	0	739	0	739
115	CALIFORNIA	ARMY NATL GUARD	VAN NUYS	ARMORY ADDITION	0	0	6,518	6,518
116	CALIFORNIA	ARMY RESERVE	LOS ALAMITOS	LOGISTIC FACILITY	0	0	4,218	0
117	CALIFORNIA	NAVY RESERVE	NAVAL STATION SAN DIEGO	CBU FACILITY	1,000	1,000	1,000	1,000
118	CALIFORNIA	AIR NATL GUARD	FRESNO ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	490	490	490	490
119	CALIFORNIA	AIR NATL GUARD	ONTARIO INTERNATIONAL AIRPORT (ANG)	REPLACE UNDERGROUND FUEL STORAGE TANKS	310	310	310	310
120	CALIFORNIA	AIR FORCE RESERVE	TRAVIS AFB	ALTER RESERVE OPERATIONS AND TRAINING FAC	4,000	4,000	4,000	4,000
121	CALIFORNIA	AIR FORCE RESERVE	TRAVIS AFB	AERIAL PORT TRAINING FACILITY	3,050	3,050	3,050	3,050
122	COLORADO	ARMY	FORT CARSON	RANGE CONTROL FACILITY	4,050	4,050	4,050	4,050
123	COLORADO	ARMY	FITZSIMMONS MEDICAL CENTER	DIAL CENTRAL OFFICE FACILITY	0	4,400	4,400	4,400

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
124	COLORADO	ARMY	FITZSIMMONS MEDICAL CENTER	STEAM AND HOT WATER DISTRIBUTION SYSTEM	0	5,600	0	0
125	COLORADO	AIR FORCE	PETERSON AFB	PRECISION MEASUREMENT EQUIPMENT LABORATORY	2,200	2,200	2,200	2,200
126	COLORADO	AIR FORCE	PETERSON AFB	TEST AND EVALUATION SUPPORT FACILITY	2,430	2,430	2,430	2,430
127	COLORADO	AIR FORCE	PETERSON AFB	ADD TO AND ALTER INTEGRATION SUPPORT FAC	16,400	16,400	16,400	16,400
128	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	ADAL WASTEWATER TREATMENT PLANT	7,100	7,100	7,100	7,100
129	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	ENHANCED FLIGHT SCREENER HANGARS	3,800	3,800	3,800	3,800
130	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	UNDERGROUND FUEL STORAGE TANKS	780	780	780	780
131	COLORADO	AIR FORCE	BUCKLEY ANG BASE	COMMUNICATION DATA PROCESSING FACILITY	39,000	21,500	39,000	39,000
132	COLORADO	AIR FORCE	CHEYENNE MT COMPLEX AFB	UPGRADE ELECTRICAL SERVICE	4,450	4,450	4,450	4,450
133	COLORADO	AIR NATL GUARD	BUCKLEY ANGB	F-16 WEAPONS RELEASE SHOP	1,300	1,300	1,300	1,300
134	COLORADO	AIR FORCE RESERVE	PETERSON AFB	ORGANIZATIONAL MAINTENANCE SUPPORT FAC	1,200	1,200	1,200	1,200
135	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	HAZARDOUS WASTE TRANSFER FACILITY	1,450	1,450	1,450	1,450
136	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	INDUSTRIAL WASTE TREATMENT FACILITY	5,700	5,700	5,700	5,700
137	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	BACHELOR ENLISTED QUARTERS MODERNIZATION	14,800	14,800	14,800	14,800
138	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	STEAM TURBINE GENERATOR	6,600	6,600	6,600	6,600
139	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	ELECTRICAL DISTRIBUTION IMPROVEMENTS	8,190	8,190	8,190	8,190
140	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	PIER IMPROVEMENTS	0	4,200	0	4,200
141	CONNECTICUT	ARMY NATL GUARD	BRADLEY FIELD	AVIATION FACILITIES	0	0	6,000	6,000
142	CONNECTICUT	ARMY NATL GUARD	GROTON	AVIATION FACILITIES	0	0	9,000	0
143	CONNECTICUT	AIR NATL GUARD	BRADLEY FIELD	ADD TO AND ALTER BASE CIVIL ENGINEER FAC	510	510	510	510
144	DELAWARE	AIR FORCE	DOVER AFB	ADD/ALTER DINING FACILITY	2,500	2,500	2,500	2,500
145	DELAWARE	AIR FORCE	DOVER AFB	INSTALL EMISSION CONTROL DEVICES	860	860	860	860
146	DELAWARE	AIR FORCE	DOVER AFB	DORMITORY	3,200	4,400	4,400	4,400
147	DELAWARE	AIR NATL GUARD	GREATER WILMINGTON AIRPORT	COMMUNICATIONS FACILITY	900	900	900	900
148	DELAWARE	AIR NATL GUARD	GREATER WILMINGTON AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	890	890	890	890
149	DISTRICT OF COLUMBIA	NAVY	WASHINGTON COMMANDANT NAVAL DISTRIC	CHILD DEVELOPMENT CENTER	1,480	1,480	1,480	1,480
150	DISTRICT OF COLUMBIA	NAVY	WASHINGTON COMMANDANT NAVAL DISTRIC	FIRE PROTECTION SYSTEM	1,630	1,630	1,630	1,630
151	DISTRICT OF COLUMBIA	NAVY	WASHINGTON NAVAL RESEARCH LABORATOR	SPECIAL PROJECTS BUILDING	400	400	400	400
152	DISTRICT OF COLUMBIA	NAVY	WASHINGTON NAVAL RESEARCH LABORATOR	NAVAL CENTER FOR SPACE TECHNOLOGY	1,980	1,980	1,980	1,980
153	DISTRICT OF COLUMBIA	AIR FORCE	BOLLING AIR FORCE BASE	ADD TO CHILD DEVELOPMENT CENTER	2,000	2,000	2,000	2,000
154	FLORIDA	NAVY	JACKSONVILLE NAVAL AIR STATION	HELICOPTER WASH AND RINSE FACILITY	620	620	620	620

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
155	FLORIDA	NAVY	JACKSONVILLE NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS	13,800	13,800	13,800	13,800
156	FLORIDA	NAVY	CECIL FIELD NAVAL AIR STATION	SANITARY WASTEWATER SYSTEM UPGRADE	1,500	1,500	0	0
157	FLORIDA	NAVY	MAYPORT NAVAL STATION	AIR EMISSIONS CONTROL	3,260	3,260	3,260	3,260
158	FLORIDA	NAVY	PENSACOLA NAVAL AIR STATION	RADAR AIR TRAFFIC CONTROL CENTER	1,880	1,880	1,880	1,880
159	FLORIDA	NAVY	PENSACOLA NAVAL AIR STATION	WATER SURVIVAL TRAINING FACILITY	4,540	4,540	4,540	4,540
160	FLORIDA	AIR FORCE	EGLIN AFB	UPGRADE HYDRANT FUELING SYSTEM	4,550	4,550	4,550	4,550
161	FLORIDA	AIR FORCE	EGLIN AFB	AIRCRAFT ENGINE TEST FACILITY	1,600	1,600	1,600	1,600
162	FLORIDA	AIR FORCE	EGLIN AFB	RENOVATE CLIMATIC TEST CHAMBER (PHASE II)	57,000	57,000	57,000	37,000
163	FLORIDA	AIR FORCE	EGLIN AFB	VEHICLE MAINTENANCE/WAREHOUSE FACILITIES	2,600	2,600	2,600	2,600
164	FLORIDA	AIR FORCE	EGLIN AFB	REPLACE POL PIPELINE	3,300	3,300	3,300	3,300
165	FLORIDA	AIR FORCE	EGLIN AFB AUXILIARY FIELD 9	ADD TO AND ALTER DORMITORIES	4,479	4,479	4,479	4,479
166	FLORIDA	AIR FORCE	EGLIN AFB AUXILIARY FIELD 9	UPGRADE SANITARY SEWAGE SYSTEMS	1,750	1,750	1,750	1,750
167	FLORIDA	AIR FORCE	EGLIN AFB AUXILIARY FIELD 9	UPGRADE STORM SEWAGE SYSTEM	1,600	1,600	1,600	1,600
168	FLORIDA	AIR FORCE	TYNDALL AFB	BASE SUPPLY LOGISTICS CENTER	2,600	2,600	2,600	2,600
169	FLORIDA	AIR FORCE	PATRICK AFB	UNDERGROUND FUEL STORAGE TANKS	1,850	1,850	1,850	1,850
170	FLORIDA	AIR FORCE	PATRICK AFB	ALTER MAINTENANCE HANGAR	2,000	2,000	2,000	2,000
171	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SLFI-UPGRADE WATER SUPPLY MAINS	1,200	1,200	1,200	1,200
172	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	UPGRADE FIRE SYSTEM	2,400	2,400	2,400	2,400
173	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SEWAGE TREATMENT PLANT	11,900	11,900	11,900	11,900
174	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SLFI-BACKUP POWER	2,500	2,500	2,500	2,500
175	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	UNDERGROUND FUEL STORAGE TANKS	400	400	400	400
176	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SLFI-BACKUP POWER	800	800	800	800
177	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	MH60G HELO HANGER	5,700	5,700	5,700	5,700
178	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	ADD TO SUPPLY/WRSK	1,502	1,502	1,502	1,502
179	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	SOM OPS MH60G(1SOW)	2,250	2,250	2,250	2,250
180	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	MUNITIONS MAINT FACILITY	2,550	2,550	2,550	2,550
181	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	SOM OPS MC130	2,750	2,750	2,750	2,750
182	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	WEAPONS MX FAC ADD	330	330	330	330
183	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	ALTER AVIONICS SHOP	4,500	4,500	4,500	4,500
184	FLORIDA	ARMY NATL GUARD	CAMP BLANDING	COMBINED SUPPORT MAINTENANCE SHOP	0	4,000	0	0
185	FLORIDA	AIR NATL GUARD	JACKSONVILLE IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	1,150

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
186	FLORIDA	AIR FORCE RESERVE	MACDILL AFB	AEROMEDICAL EVACUATION FACILITY	750	750	750	750
187	GEORGIA	ARMY	FORT BENNING	BARRACKS MODERNIZATION	18,500	18,500	18,500	18,500
188	GEORGIA	ARMY	FORT BENNING	MULTIPURPOSE MACHINE GUN RANGE	1,650	1,650	1,650	1,650
189	GEORGIA	ARMY	FORT BENNING	WHOLE BARRACKS RENEWAL	17,500	17,500	17,500	17,500
190	GEORGIA	ARMY	FORT GILLEM	PHYSICAL FITNESS CENTER	0	0	2,600	2,600
191	GEORGIA	ARMY	FT STEWART/HUNTER AAF	CARGO HANDLING FACILITY	4,500	4,500	4,200	4,200
192	GEORGIA	ARMY	FT STEWART/HUNTER AAF	EXPAND AMMUNITION STORAGE AREA	3,600	3,600	3,600	3,600
193	GEORGIA	ARMY	FT STEWART/HUNTER AAF	HARDSTAND	8,700	8,700	9,400	9,400
194	GEORGIA	ARMY	FT STEWART/HUNTER AAF	RAILROAD TRACK IMPROVEMENT	2,000	2,000	3,100	3,100
195	GEORGIA	NAVY	KINGS BAY NAVAL SUBMARINE BASE	DIKES	3,730	3,730	3,730	3,730
196	GEORGIA	NAVY	KINGS BAY NAVAL SUBMARINE BASE	UTILITIES AND SITE IMPROVEMENTS	7,190	7,190	7,190	7,190
197	GEORGIA	NAVY	KINGS BAY TRIDENT TRAINING FACILITY	FIRE FIGHTING TRAINING FACILITY	3,870	3,870	3,870	3,870
198	GEORGIA	NAVY	ALBANY MARINE CORPS LOGISTICS BASE	CHILD DEVELOPMENT CENTER	940	940	940	940
199	GEORGIA	AIR FORCE	MOODY AIR FORCE BASE	AIRCRAFT MAINTENANCE DOCK	0	4,700	4,700	4,700
200	GEORGIA	AIR FORCE	MOODY AIR FORCE BASE	AIRCRAFT PARKING/ACCESS TAXIWAY	0	9,000	9,000	9,000
201	GEORGIA	AIR FORCE	MOODY AIR FORCE BASE	MISSION EQUIPMENT STORAGE	0	0	670	0
202	GEORGIA	AIR FORCE	MOODY AIR FORCE BASE	LARGE AIRCRAFT WASH RACK	0	0	1,700	0
203	GEORGIA	AIR FORCE	ROBINS AFB	J-STARS SQUADRON OPERATIONS/AMU	7,500	7,500	7,500	7,500
204	GEORGIA	AIR FORCE	ROBINS AFB	J-STARS ADD TO AND ALTER UTILITIES	3,500	3,500	3,500	3,500
205	GEORGIA	AIR FORCE	ROBINS AFB	AIRCRAFT SUPPORT EQUIPMENT PAINT FACILITY	970	970	970	970
206	GEORGIA	AIR FORCE	ROBINS AFB	J-STARS ADD TO AND ALTER OPERATIONS CMPLX	4,100	4,100	4,100	4,100
207	GEORGIA	AIR FORCE	ROBINS AFB	ADD/ALTER DORMITORIES	4,300	4,300	4,300	4,300
208	GEORGIA	AIR FORCE	ROBINS AFB	J-STARS ADD TO AND ALTER MAINT COMPLEX	9,300	9,300	9,300	9,300
209	GEORGIA	AIR FORCE	ROBINS AFB	ADAL LOGISTICAL SYSTEMS OPERATIONS CENTER	3,000	0	3,000	3,000
210	GEORGIA	AIR FORCE	ROBINS AFB	UPGD INDSTRL WASTEWATER TRTMNT & DSPSL PLT	10,700	10,700	10,700	10,700
211	GEORGIA	DEFENSE AGENCIES	ROBINS AFB	LINWOOD ELEM SCHOOL ADDN	1,580	1,580	1,580	1,580
212	GEORGIA	DEFENSE AGENCIES	ROBINS AFB	ROBINS ELEM SCHOOL ADDN	1,580	1,580	1,580	1,580
213	GEORGIA	ARMY RESERVE	FT MCPHERSON	ARMY RESERVE COMMAND HQ	0	0	36,400	15,000
214	GEORGIA	AIR NATL GUARD	LEWIS B. WILSON AIRPORT (ANG)	REPLACE UNDERGROUND FUEL STORAGE TANKS	340	340	340	340
215	GEORGIA	AIR NATL GUARD	MCCOLLUM ANG STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	315	315	315	315
216	GEORGIA	AIR NATL GUARD	SAVANNAH COMBAT READINESS TRAINING	FIRE DETECTION AND SUPPRESSION SYSTEMS	1,650	1,650	1,650	1,650

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
217	GEORGIA	AIR NATL GUARD	SAVANNAH COMBAT READINESS TRAINING	REPLACE UNDERGROUND FUEL STORAGE TANKS	315	315	315	315
218	GEORGIA	AIR NATL GUARD	SAVANNAH ANG COMMUNICATIONS STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	330	330	330	330
219	GEORGIA	AIR NATL GUARD	SAVANNAH MAP	REFUELING VEHICLE PARKING AND OPS COMPLEX	990	990	990	990
220	GEORGIA	AIR NATL GUARD	DOBBINS AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	1,150
221	GEORGIA	AIR NATL GUARD	DOBBINS AFB	PETROLEUM OPERATIONS COMPLEX	600	600	600	600
222	GEORGIA	AIR NATL GUARD	DOBBINS AFB	SMALL ARMS RANGE	0	0	500	0
223	GEORGIA	AIR NATL GUARD	ROBINS AFB	HYDRANT REFUELING SYSTEM	0	0	12,000	5,750
224	GEORGIA	AIR FORCE RESERVE	DOBBINS AIR FORCE BASE	SMALL ARMS SYSTEM RANGE	0	1,900	0	1,900
225	GEORGIA	AIR FORCE RESERVE	DOBBINS AIR FORCE BASE	EASTERN REGIONAL FLIGHT SIMULATOR FACILITY	0	6,000	0	6,000
226	HAWAII	ARMY	SCHOFIELD BARRACKS	OPERATIONS FACILITY	2,600	2,600	2,600	2,600
227	HAWAII	ARMY	SCHOFIELD BARRACKS	MULTI-PURPOSE FAMILY SERVICE CENTER	16,000	16,000	16,000	16,000
228	HAWAII	NAVY	PEARL HARBOR NAVY PUBLIC WORKS CENT	INDUSTRIAL WASTE TREATMENT PLANT	18,560	18,560	18,560	18,560
229	HAWAII	NAVY	PEARL HARBOR COM OCEANOGRAPHIC SYS	BERTHING PIER	16,780	0	16,780	16,780
230	HAWAII	NAVY	PEARL HARBOR NAV INACTIVE SHIP MAIN	INACTIVE SHIPS PIER	2,620	2,620	2,620	2,620
231	HAWAII	NAVY	PEARL HARBOR NAVY PUBLIC WORKS CENT	WASTEWATER COLLECTION SYS IMPROVEMENT	8,980	8,980	8,980	8,980
232	HAWAII	NAVY	PEARL HARBOR NAVAL SUBMARINE BASE	BACHELOR ENLISTED QUARTERS COMPLEX	25,500	25,500	25,500	25,500
233	HAWAII	NAVY	PEARL HARBOR NAVAL SUBMARINE BASE	SUBMARINE BERTING WHARF	26,000	26,000	26,000	26,000
234	HAWAII	NAVY	PEARL HARBOR NAVAL SUBMARINE BASE	ENLISTED MESS HALL MODERNIZATION	2,640	2,640	2,640	2,640
235	HAWAII	NAVY	HONOLULU COMP&TELCOMM AREA MASTER S	BACHELOR ENLISTED QUARTERS MODERNIZATION	4,730	4,730	4,730	4,730
236	HAWAII	NAVY	HONOLULU COMP&TELCOMM AREA MASTER S	BACH ENLLISTED QUARTERS MODERNIZATION	4,390	4,390	4,390	4,390
237	HAWAII	NAVY	BARBERS POINT NAVAL AIR STATION	CHILD DEVELOPMENT CENTER	2,700	2,700	2,700	2,700
238	HAWAII	NAVY	BARBERS POINT NAVAL AIR STATION	FIRE FIGHTING TRAINING FACILITY	1,350	1,350	0	0
239	HAWAII	AIR FORCE	HICKAM AFB	DORMITORY	5,950	5,950	9,500	9,500
240	HAWAII	AIR FORCE	HICKAM AFB	UNDERGROUND FUEL STORAGE TANKS	2,100	2,100	2,100	2,100
241	HAWAII	AIR FORCE	HICKAM AFB	MILSTAR COMMUNICATIONS GROUND TERMINAL	2,200	2,200	2,200	2,200
242	HAWAII	AIR FORCE	KAENA POINT	POWER PLANT	7,350	7,350	7,350	7,350
243	HAWAII	DEFENSE AGENCIES	DEFENSE FUEL SUPPORT POINT PEARL HA	POL LABORATORY FACILITY	2,250	2,250	2,250	2,250
244	HAWAII	ARMY NATL GUARD	KAUAI	RANGE, KNOWN DISTANCE UPGRADE	334	334	334	334
245	HAWAII	NAVY RESERVE	NAVAL STATION PEARL HARBOR	CBU ADDITION	500	500	500	500
246	HAWAII	AIR NATL GUARD	HICKAM AFB	FUEL SYSTEM MAINT AND CORROSION CONTROL FAC	5,300	5,300	5,300	5,300
247	IDAHO	ARMY NATL GUARD	HOMEDALE	ARMORY	1,157	1,157	1,157	1,157

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
248	IDAHO	ARMY NATL GUARD	GOWEN FIELD	USPFO ADMIN OFC/WHSE ADD	1,391	1,391	1,391	1,391
249	IDAHO	ARMY NATL GUARD	GOWEN FIELD	COMBAT VEHICLE TRANSITION CMPLX	5,044	5,044	5,044	5,044
250	IDAHO	AIR NATL GUARD	GOWEN FIELD	IDAHO TRAINING RANGE	0	0	6,700	6,700
251	IDAHO	AIR NATL GUARD	BOISE AIRPORT	FIRE STATION AND AGE FACILITY	1,750	1,750	1,750	1,750
252	ILLINOIS	AIR FORCE	SCOTT AFB	MUNITIONS STORAGE FAC/LAND ACQUISTION	2,450	2,450	2,450	2,450
253	ILLINOIS	AIR FORCE	SCOTT AFB	INTEROPERABILITY TEST AND TRAINING FAC	5,000	5,000	5,000	5,000
254	ILLINOIS	ARMY NATL GUARD	ROCK ISLAND	ARMORY/ORG. MAINT. SHOP	0	4,000	0	3,310
255	ILLINOIS	ARMY RESERVE	ARGONNE	USARC/OMS	10,381	10,381	10,381	10,381
256	ILLINOIS	AIR NATL GUARD	GREATER PEORIA AIRPORT	ADD TO AND ALTER F-16 ACRFT AVIONICS SHOP	840	840	840	840
257	ILLINOIS	AIR NATL GUARD	CAPITAL MAP	ALTER STORM DRAINAGE DISPOSAL	500	500	500	500
258	INDIANA	NAVY	NSW CENTER-CRANE DIVISION	ORDNANCE ENVIRONMENTAL TEST CTR	0	9,600	0	9,600
259	INDIANA	ARMY NATL GUARD	EVANSVILLE	ARMORY/OMS	0	6,050	0	6,050
260	INDIANA	ARMY NATL GUARD	LAFAYETTE	ARMORY/OMS	0	3,015	3,019	3,016
261	INDIANA	ARMY NATL GUARD	INDIANAPOLIS	COMBINED SUPPORT/MAINTENANCE FACILITY	0	0	12,000	0
262	INDIANA	ARMY NATL GUARD	CAMP ATTERBURY	RANGE, MOD RECORD FIRE UPGRADE	654	654	654	654
263	INDIANA	ARMY NATL GUARD	CAMP ATTERBURY	BARRACKS REPLACEMENT	0	7,545	0	7,545
264	INDIANA	ARMY NATL GUARD	CAMP ATTERBURY	RANGE, INF SQUAD BATTLE CRSE	1,156	1,156	1,156	1,156
265	INDIANA	ARMY NATL GUARD	CAMP ATTERBURY	MILITARY EDUCATIONAL FACILITY	0	5,914	5,400	5,400
266	INDIANA	AIR NATL GUARD	TERRE HAUTE	DINING/TRNG/GYM	0	3,800	0	3,800
267	INDIANA	AIR NATL GUARD	FT WAYNE MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,350	1,350	1,350	1,350
268	INDIANA	AIR NATL GUARD	HULMAN FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	950	950	950	950
269	IOWA	ARMY NATL GUARD	CAMP DODGE	MAINTENANCE ARMORY	0	4,550	4,550	4,550
270	IOWA	ARMY NATL GUARD	CAMP DODGE	CONSOLIDATED PAINT FACILITY	0	1,463	1,500	1,500
271	IOWA	ARMY NATL GUARD	CAMP DODGE	BATTALION COMPLEX, PHASE II	0	0	3,800	3,800
272	IOWA	ARMY NATL GUARD	DES MOINES	REMOVE UNDERGROUND FUEL TANKS	0	0	4,000	0
273	IOWA	AIR NATL GUARD	DES MOINES MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	880	880	880	880
274	IOWA	AIR NATL GUARD	DES MOINES MAP	ADD TO AND ALTER DINING & MEDICAL TRNG FAC	1,800	1,800	1,800	1,800
275	IOWA	AIR NATL GUARD	DES MOINES INT'L AIRPORT	JET FUEL STORAGE COMPLEX	0	4,000	0	4,000
276	IOWA	AIR NATL GUARD	SIOUX AIRPORT	MUNITION MAINT. AND STORAGE FAC.	0	2,700	2,850	2,850
277	IOWA	AIR NATL GUARD	SIOUX AIRPORT	CIVIL ENGR. COMPLEX	0	2,650	0	2,650
278	KANSAS	ARMY	FORT RILEY	BARRACKS & ADMIN RENOVATION	0	0	9,900	9,900

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
279	KANSAS	ARMY	FORT RILEY	BATTLE SIMULATION FACILITY	0	0	4,742	4,742
280	KANSAS	AIR FORCE	MCCONNELL AFB	LAND RESTRICTIVE EASEMENT ACQUISITION	1,000	1,000	1,000	1,000
281	KANSAS	AIR FORCE	MCCONNELL AFB	CONTROL TOWER CAB	900	900	900	900
282	KANSAS	ARMY NATL GUARD	FORT RILEY	MATES WASH RACK	0	0	3,398	3,398
283	KANSAS	ARMY NATL GUARD	SALINA	TRAINING SITE PHASE II	0	0	4,144	0
284	KANSAS	ARMY NATL GUARD	SALINA/NICKELL BARRACKS	TRAINING SITE PHASE I	0	0	5,687	6,168
285	KANSAS	AIR NATL GUARD	FORBES FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,400	1,400	1,400	1,400
286	KANSAS	AIR NATL GUARD	MCCONNELL AFB	ALTER MEDICAL TRAINING AND TELECOM	890	890	890	890
287	KENTUCKY	ARMY	FORT CAMPBELL	RAIL SPUR	0	0	10,000	0
288	KENTUCKY	ARMY	FORT CAMPBELL	AIRFIELD IMPROVEMENTS	3,950	3,950	3,950	3,950
289	KENTUCKY	ARMY	FORT CAMPBELL	MOBILIZATION WAREHOUSE	850	850	850	850
290	KENTUCKY	ARMY	FORT CAMPBELL	WHOLE BARRACKS RENEWAL	32,000	32,000	32,000	32,000
291	KENTUCKY	ARMY	FORT CAMPBELL	DINING FACILITIES MODERNIZATION	3,500	3,500	3,500	3,500
292	KENTUCKY	ARMY	FORT KNOX	MAINTENANCE FACILITY	12,200	12,200	12,200	12,200
293	KENTUCKY	ARMY	FORT KNOX	MULTIPURPOSE TRAINING RANGE	4,150	4,150	4,150	4,150
294	KENTUCKY	ARMY	FORT KNOX	WHOLE BARRACKS RENEWAL	25,000	25,000	25,000	25,000
295	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	EXPAND AIRCRAFT RAMP	0	0	2,650	2,650
296	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	FT CAMPBELL LINCOLN ELEM SCHOOL ADDN	1,900	1,900	1,900	1,900
297	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	FT CAMPBELL ELEM SCHOOL	8,982	8,982	8,982	8,982
298	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	ARMY SOA BN, HQS	4,300	4,300	4,300	4,300
299	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	FT CAMPBELL MAHAFFEY MIDDLE SCHOOL ADDN	2,300	2,300	2,300	2,300
300	KENTUCKY	DEFENSE AGENCIES	FORT KNOX	FT KNOX KINSOLVER VAN/VOORHIS ELEM SCHOOL	1,600	1,600	1,600	1,600
301	KENTUCKY	DEFENSE AGENCIES	FORT KNOX	FT KNOX SIX GYMNASIUM ADDN	6,107	6,107	6,107	6,107
302	KENTUCKY	ARMY NATL GUARD	FORT KNOX	MATES FACILITIES	0	0	10,000	10,000
303	KENTUCKY	AIR NATL GUARD	STANDIFORD AIRPORT	RELOCATION FACILITIES, PHASE IV	0	0	5,000	5,000
304	LOUISIANA	AIR FORCE	BARKSDALE AFB	APRON LIGHTING	0	0	1,300	1,300
305	LOUISIANA	AIR FORCE	BARKSDALE AFB	UPGRADE BULK STORAGE BASINS	1,600	1,600	1,600	1,600
306	LOUISIANA	AIR FORCE	BARKSDALE AFB	WEAPONS STORAGE AREA SECURITY	960	960	960	960
307	LOUISIANA	AIR FORCE	BARKSDALE AFB	REPLACE APRON/FUEL HYDRANTS	0	0	10,000	10,000
308	LOUISIANA	DEFENSE AGENCIES	FORT POLK	ELEMENTARY SCHOOL	0	0	4,950	4,950
309	LOUISIANA	ARMY NATL GUARD	RUSTON	OMS	0	0	898	0

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
310	LOUISIANA	ARMY NATL GUARD	RUSTON	ARMORY REHABILITATION	0	0	2,700	0
311	LOUISIANA	ARMY RESERVE	NEW ORLEANS	LAND ACQUISITION	645	645	645	645
312	LOUISIANA	NAVY RESERVE	NAVAL AIR STATION NEW ORLEANS	ORDNANCE COMPLEX	1,900	1,900	1,900	1,900
313	LOUISIANA	AIR NATL GUARD	HAMMOND	REPLACE UNDERGROUND STORAGE TANKS	350	350	350	350
314	LOUISIANA	AIR NATL GUARD	NEW ORLEANS NAS	REPLACE UNDERGROUND FUEL STORAGE TANKS	350	350	350	350
315	LOUISIANA	AIR FORCE RESERVE	BARKSDALE AFB	WELDING AND MACHINE SHOP	600	600	600	600
316	MAINE	NAVY	KITTERY PORTSMOUTH NAVAL SHIPYARD	HAZARDOUS WASTE STORAGE FACILITY	4,780	4,780	4,780	4,780
317	MAINE	ARMY NATL GUARD	NORWAY	ARMORY EXPAN/REHAB	1,380	1,380	1,380	1,380
318	MARYLAND	ARMY	FORT DETRICK	VACCINE PRODUCTION FACILITY (PHASE I)	0	2,000	0	0
319	MARYLAND	ARMY	ABERDEEN PROVING GROUND	UPGRADE RANGE COMPLEX	4,450	4,450	4,450	4,450
320	MARYLAND	ARMY	ABERDEEN PROVING GROUND	TARGET ASSEMBLY AND STORAGE FACILITY	1,800	1,800	1,800	1,800
321	MARYLAND	ARMY	ABERDEEN PROVING GROUND	CHILD DEVELOPMENT CENTER	0	1,450	0	1,450
322	MARYLAND	ARMY	ABERDEEN PROVING GROUND	APPLIED INSTRUCTION FACILITY	14,000	14,000	14,000	14,000
323	MARYLAND	NAVY	PATUXENT RIVER NAWC	SEWAGE TREATMENT UPGRADE	0	1,000	1,000	1,000
324	MARYLAND	NAVY	PATUXENT RIVER NAWC	HAZMAT STORAGE FAC.	0	3,400	0	3,400
325	MARYLAND	NAVY	PATUXENT RIVER NAWC	JET ENGINE TEST CELL	0	4,900	0	4,900
326	MARYLAND	NAVY	PATUXENT RIVER NAWC	ADV SYS INTEGRATION FACILITY (PHASE II)	0	10,000	0	10,000
327	MARYLAND	NAVY	INDIAN HEAD NSWC	HAZARDOUS WASTE TREATMENT FAC.	0	3,400	3,400	3,400
328	MARYLAND	NAVY	BETHESDA NATIONAL NAVAL MEDICAL CEN	CHILD DEVELOPMENT CENTER	3,090	3,090	3,090	3,090
329	MARYLAND	AIR FORCE	ANDREWS AFB	UPGRADE SANITARY SEWER SYSTEMS	2,650	2,650	2,650	2,650
330	MARYLAND	AIR FORCE	ANDREWS AFB	FIRE TRAINING FACILITY	1,000	1,000	1,000	1,000
331	MARYLAND	AIR FORCE	ANDREWS AFB	UPGRADE COMPOSITE ADMIN FACILITY	9,940	9,940	9,940	9,940
332	MARYLAND	AIR FORCE	ANDREWS AFB	AIR FRIEGHT TERMINAL	4,400	4,400	4,400	4,400
333	MARYLAND	AIR FORCE	FORT GEORGE MEADE	ADD TO AIR FORCE SENIOR SCOUT OPS FAC	1,450	0	0	0
334	MARYLAND	DEFENSE AGENCIES	FORT DETRICK	BIOLOGICAL INCINERATOR	4,300	4,300	4,300	4,300
335	MARYLAND	DEFENSE AGENCIES	FORT MEADE	OPS 1 ROADWAY STRUCTURAL ENHANCEMENT	5,910	5,910	5,910	5,910
336	MARYLAND	DEFENSE AGENCIES	FORT MEADE	SUPERCOMPUTER FACILITY	52,720	47,720	52,720	35,000
337	MARYLAND	DEFENSE AGENCIES	FOREST GLEN (WRAIR)	ARMY INSTITUTE OF RESEARCH (PHASE II)	48,140	48,140	0	15,000
338	MARYLAND	ARMY NATL GUARD	HAGERSTOWN	ADD/ALTER ARMORY	0	1,700	0	0
339	MARYLAND	ARMY NATL GUARD	TOWSON	ARMORY ALT/ADD	2,823	2,823	2,823	2,823
340	MARYLAND	NAVY RESERVE	BALTIMORE-NRRC	NCRC IMPROVEMENTS	0	0	460	460

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
341	MARYLAND	NAVY RESERVE	NAF WASHINGTON	EQUIPMENT OPS FACILITY	2,500	2,500	2,500	2,500
342	MARYLAND	AIR NATL GUARD	ANDREWS AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	890	890	890	890
343	MARYLAND	AIR NATL GUARD	ANDREWS AFB	ADD TO AND ALTER AVIONICS AND ECM POD FAC	1,100	1,100	1,100	1,100
344	MARYLAND	AIR NATL GUARD	ANDREWS AFB	COMPOSITE SUPPORT CENTER	0	15,500	0	0
345	MARYLAND	AIR NATL GUARD	GLENN L MARTIN AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
346	MARYLAND	AIR FORCE RESERVE	ANDREWS AFB	AIRCRAFT PARKING APRON	8,000	8,000	8,000	8,000
347	MARYLAND	AIR FORCE RESERVE	ANDREWS AFB	REPLACE AIRCRAFT PARKING APRON	13,373	13,373	13,373	13,373
348	MASSACHUSETTS	ARMY NATL GUARD	FORT AYER	CSMS/FUEL SYSTEM	0	3,002	3,002	3,002
349	MASSACHUSETTS	AIR NATL GUARD	BARNES AIRPORT	ALTER OPS/TRAINING FACILITY	0	0	600	600
350	MASSACHUSETTS	AIR NATL GUARD	BARNES AIRPORT	VEHICLE MAINTENANCE SHOP	0	0	2,000	0
351	MASSACHUSETTS	AIR NATL GUARD	OTIS ANGB	COMMUNICATIONS/ELECTRONICS FACILITY	0	0	3,000	3,000
352	MASSACHUSETTS	AIR NATL GUARD	WORCESTER ANGB	BASE SUPPLE WAREHOUSE	0	0	390	0
353	MASSACHUSETTS	AIR FORCE RESERVE	WESTOVER AFB	MEDICAL TRAINING FACILITY	2,600	2,600	2,600	2,600
354	MICHIGAN	NAVY RESERVE	NRRC DETROIT	RESCEN ADDITION	3,100	3,100	3,100	3,100
355	MICHIGAN	NAVY RESERVE	NRRC DETROIT	MCRC REPAIR CONSTRUCTION	0	0	698	698
356	MICHIGAN	AIR NATL GUARD	WK KELLOGG REGIONAL AIRPORT	ADAL FUEL CELL AND CORROSION CONTROL FAC	1,100	1,100	1,100	1,100
357	MICHIGAN	AIR NATL GUARD	SELFRIDGE ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	710	710	710	710
358	MICHIGAN	AIR NATL GUARD	ALPENA COUNTY REGIONAL AIRPORT	UPGRADE WATER DISTRIBUTION SYSTEM	1,400	1,400	1,400	1,400
359	MINNESOTA	ARMY NATL GUARD	VARIOUS LOCATIONS	ADD/ALTER 14 ARMORIES	0	4,527	0	0
360	MINNESOTA	ARMY NATL GUARD	VARIOUS LOCATIONS	ADD/ALTER 7 ARMORIES	0	3,225	0	3,225
361	MINNESOTA	ARMY NATL GUARD	CAMP RIPLEY	ORGANIZATIONAL MAINT SHOPS	2,625	2,625	2,625	2,625
362	MINNESOTA	ARMY NATL GUARD	CAMP RIPLEY	RANGE, MPRC (HEAVY)	3,185	3,185	3,185	3,185
363	MINNESOTA	ARMY NATL GUARD	INVER GROVE HEIGHTS	ARMORY/OMS	0	4,571	2,571	4,571
364	MINNESOTA	AIR NATL GUARD	DULUTH ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
365	MISSISSIPPI	NAVY	CBC GULFPORT	CHILD DEVELOPMENT CENTER	0	0	2,400	2,400
366	MISSISSIPPI	NAVY	CBC GULFPORT	FAMILY SERVICE CENTER	0	0	2,000	2,000
367	MISSISSIPPI	NAVY	CBC GULFPORT	ILO/NTIS WAREHOUSE	0	0	6,000	0
368	MISSISSIPPI	NAVY	PASCAGOULA	ACADEMIC INSTUCTION FACILITY	0	0	1,100	0
369	MISSISSIPPI	NAVY	PASCAGOULA	ELECTRICAL DISTRIBUTION UPGRADE	0	0	2,800	0
370	MISSISSIPPI	AIR FORCE	COLUMBUS AFB	UPGRADE AIRFIELD LIGHTING	2,900	2,900	2,900	2,900
371	MISSISSIPPI	AIR FORCE	KEESLER AFB	UPGRADE SANITARY SEWER SYSTEM	2,920	2,920	2,920	2,920

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
372	MISSISSIPPI	AIR FORCE	KEESLER AFB	UPGRADE STUDENT DORMITORY	4,500	4,500	4,500	4,500
373	MISSISSIPPI	AIR FORCE	KEESLER AFB	UNDERGROUND FUEL STORAGE TANKS	600	600	600	600
374	MISSISSIPPI	AIR FORCE	KEESLER AFB	FIRE TRAINING FACILITY	690	690	690	690
375	MISSISSIPPI	ARMY NATL GUARD	JACKSON	ARMORY	0	2,550	0	2,550
376	MISSISSIPPI	ARMY NATL GUARD	TUPELO	ADD/ALTER AVIATION FACILITY	0	3,500	0	0
377	MISSISSIPPI	ARMY NATL GUARD	VARIOUS LOCATIONS	ADD/ALTER ARMORIES	0	5,204	0	5,204
378	MISSISSIPPI	ARMY NATL GUARD	CAMP MCCAIN	RANGE MODERNIZATION	0	5,500	0	5,500
379	MISSISSIPPI	ARMY NATL GUARD	CAMP SHELBY	VEHICLE WASH FACILITY	0	0	5,000	5,000
380	MISSISSIPPI	ARMY NATL GUARD	CAMP SHELBY	REGIONAL SCHOOL FACILITY (PHASE II)	0	6,000	0	6,000
381	MISSISSIPPI	ARMY NATL GUARD	GREENVILLE	ARMORY	0	2,230	0	2,230
382	MISSISSIPPI	AIR NATL GUARD	ALLEN C THOMPSON FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	730	730	730	730
383	MISSISSIPPI	AIR NATL GUARD	ALLEN C THOMPSON FIELD	FIRE STATION	0	1,750	0	0
384	MISSISSIPPI	AIR NATL GUARD	GULFPORT	TROOP CAMP QUARTERS	0	5,300	0	0
385	MISSISSIPPI	AIR NATL GUARD	GULFPORT	UPGRADE ELECTRICAL DISTRIBUTION SYSTEM	850	850	850	850
386	MISSISSIPPI	AIR NATL GUARD	GULFPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	335	335	335	335
387	MISSISSIPPI	AIR NATL GUARD	GULFPORT-BILOXI REGIONAL AIRPORT	ACMI SUPPORT FACILITY	0	0	2,800	0
388	MISSOURI	ARMY	FORT LEONARD WOOD	OPERATIONS FACILITY	1,000	1,000	1,000	1,000
389	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 DEFENSE ACCESS ROADS	7,150	7,150	7,150	7,150
390	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 UTILITY UPGRADE/LAND ACQUISITION	4,850	4,850	4,850	4,850
391	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 HYDRANT FUELING SYS LOOP (PHASE II)	2,700	2,700	2,700	2,700
392	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT APRON/TAXIWAY UPGRADE	3,400	3,400	3,400	3,400
393	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADD TO AND ALTER MUNITIONS STORAGE FAC	3,338	3,338	3,338	3,338
394	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT MAINTENANCE DOCK	14,500	14,500	14,500	14,500
395	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 VEHICLE MAINTENANCE FACILITY	1,700	1,700	1,700	1,700
396	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 UPGRADE BASE ROADS	5,900	5,900	5,900	5,900
397	MISSOURI	ARMY NATL GUARD	FORT CROWDER	TRNG SITE, TROOP MED TRNG FACIL	386	386	386	386
398	MISSOURI	ARMY NATL GUARD	FORT LEONARD WOOD	ARMORY/OMS	0	2,349	0	2,349
399	MISSOURI	AIR NATL GUARD	ROSECRANS MEMORIAL AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,250	1,250	1,250	1,250
400	MISSOURI	AIR NATL GUARD	JEFFERSON BARRACKS ANG SITE	ALTER COMMUNICATIONS ELECTRONICS TRNG FAC	2,800	2,800	2,800	2,800
401	MISSOURI	AIR NATL GUARD	JEFFERSON BARRACKS ANG SITE	UPGRADE DINING HALL	720	720	720	720
402	MISSOURI	AIR NATL GUARD	ST. JOSEPH	JET FUEL STORAGE FACILITY	0	4,000	4,000	4,000

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
403	MONTANA	AIR FORCE	MALMSTROM AFB	BASE ENGINEERING COMPLEX	6,200	6,200	6,200	6,200
404	MONTANA	AIR FORCE	MALMSTROM AFB	UNDGD FUEL STORAGE TANKS MINUTEMAN II FACS	1,500	1,500	1,500	1,500
405	MONTANA	ARMY NATL GUARD	FT WM HENRY HARRISON	TRNG SITE, MED UNIT TNG FACIL	501	501	501	501
406	MONTANA	AIR NATL GUARD	GREAT FALLS IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	400	400	400	400
407	MONTANA	AIR NATL GUARD	GREAT FALLS IAP	MEDICAL TRAINING AND DINING HALL	2,900	2,900	2,900	2,900
408	NEBRASKA	AIR FORCE	OFFUTT AFB	ADD TO EMERGENCY BACK-UP POWER	2,300	2,300	2,300	2,300
409	NEBRASKA	AIR FORCE	OFFUTT AFB	REPAIR AIRFIELD PAVEMENTS AND LIGHTING	8,700	8,700	8,700	8,700
410	NEBRASKA	DEFENSE AGENCIES	OFFUTT AFB	LIFE SAFETY UPGRADE	1,100	1,100	1,100	1,100
411	NEBRASKA	ARMY NATL GUARD	CAMP ASHLAND	EDUCATION FACILITY	0	0	1,155	0
412	NEBRASKA	AIR NATL GUARD	LINCOLN MAP	ALTER AIRCRAFT MAINTENANCE HANGAR	0	0	7,300	7,300
413	NEBRASKA	AIR NATL GUARD	LINCOLN MAP	FIRE STATION	1,850	1,850	1,850	1,850
414	NEBRASKA	AIR NATL GUARD	LINCOLN MAP	REPLACE HEATING SYSTEM	0	0	1,500	1,500
415	NEVADA	ARMY	HAWTHORNE AAP	REHABILITATION RAIL LINE	0	0	4,700	4,700
416	NEVADA	ARMY	HAWTHORNE AAP	CONTAINER HOLDING PADS	7,000	7,000	7,000	7,000
417	NEVADA	NAVY	FALLON NAS	LAND ACQUISITION - DIXIE VALLEY	0	1,600	1,600	1,600
418	NEVADA	AIR FORCE	NELLIS AFB	LOADING APRON	0	0	4,100	4,100
419	NEVADA	AIR FORCE	NELLIS AFB	ADD/ALTER GYM	0	4,350	0	4,350
420	NEVADA	AIR FORCE	NELLIS AFB	BOMBER CREW TRNG FAC.	0	4,100	0	0
421	NEVADA	AIR FORCE	NELLIS AFB	UPGRADE POL TANKS	1,650	1,650	1,650	1,650
422	NEVADA	ARMY NATL GUARD	CLARK COUNTY/LAS VEGAS	ARMORY COMPLEX	0	1,430	0	1,430
423	NEVADA	AIR NATL GUARD	RENO IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	460	460	460	460
424	NEVADA	AIR NATL GUARD	RENO IAP	AIRCRAFT ARRESTING SYSTEMS	1,830	1,830	1,830	0
425	NEVADA	AIR NATL GUARD	RENO	SIMULATOR BUILDING	0	400	400	0
426	NEW HAMPSHIRE	AIR NATL GUARD	PEASE AFB	UPGRAD KC-135 HYDRANT REFUELING SYSTEM	5,100	5,100	5,600	5,100
427	NEW JERSEY	ARMY	PICATINNY ARSENAL (ARDEC)	ADVANCE WARHEAD DEVELOP. FAC.	0	4,850	4,400	4,400
428	NEW JERSEY	ARMY	PICATINNY ARSENAL (ARDEC)	EXPLOSIVE DEVELOP. FACILITY	0	6,200	6,100	6,100
429	NEW JERSEY	ARMY	FORT MONMOUTH	SATELLITE CONTROL SYSTEM	7,500	7,500	7,500	7,500
430	NEW JERSEY	NAVY	EARLE NAVAL WEAPONS STATION	EXPLOSIVES HOLDING YARD	1,290	1,290	1,290	1,290
431	NEW JERSEY	NAVY	EARLE NAVAL WEAPONS STATION	MATEIRALS HNDLG EQUIP SERV CTR ALT	420	420	420	420
432	NEW JERSEY	NAVY	EARLE NAVAL WEAPONS STATION	HAZARDOUS WASTE STORAGE FACILITY	870	870	870	870
433	NEW JERSEY	AIR FORCE	MCGUIRE AFB	BARRACKS RENOVATION	0	4,000	0	0

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
434	NEW JERSEY	ARMY NATL GUARD	FORT DIX	EXPAND HI TECH TRNG CENTER	0	7,600	0	0
435	NEW JERSEY	ARMY RESERVE	FORT DIX	RANGE MODERNIZATION	0	2,000	0	0
436	NEW JERSEY	ARMY RESERVE	FORT DIX	UPGRADE RANGE 65	0	2,700	0	2,700
437	NEW JERSEY	NAVY RESERVE	WEST TRENTON-NMRC	MCRC REPLACEMENT CONVERSION	0	0	264	264
438	NEW JERSEY	NAVY RESERVE	NRC KEARNY	RESCEN A/C	800	800	800	800
439	NEW JERSEY	AIR NATL GUARD	ATLANTIC CITY	FIRE STATION	1,350	1,350	1,350	1,350
440	NEW JERSEY	AIR NATL GUARD	ATLANTIC CITY	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,900	1,900	1,900	1,900
441	NEW MEXICO	ARMY	WHITE SANDS MISSILE RANGE	TARGET TRACK	2,900	0	2,900	2,900
442	NEW MEXICO	ARMY	WHITE SANDS MISSILE RANGE	CHILD DEVELOPMENT CENTER	0	3,300	3,300	3,300
443	NEW MEXICO	ARMY	WHITE SANDS MISSILE RANGE	REHAB FACILITIES	0	0	2,500	0
444	NEW MEXICO	AIR FORCE	CANNON AFB	SOUND SUPPRESSOR SUPPORT PAD	665	665	665	665
445	NEW MEXICO	AIR FORCE	CANNON AFB	DORMITORY RENOVATION	0	3,000	0	3,000
446	NEW MEXICO	AIR FORCE	CANNON AFB	UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	1,100
447	NEW MEXICO	AIR FORCE	CANNON AFB	BASE ENGINEERING COMPLEX	6,150	6,150	6,150	6,150
448	NEW MEXICO	AIR FORCE	CANNON AFB	FIRE TRAINING FACILITY	1,000	1,000	1,000	1,000
449	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	FIGHTER MAINTENANCE FACILITY	0	0	1,900	1,900
450	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
451	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	SEWER EFFLUENT SYSTEM	1,800	1,800	1,800	1,800
452	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	ADD TO AND ALTER DORMITORIES	6,400	6,400	6,400	6,400
453	NEW MEXICO	AIR FORCE	KIRTLAND AFB	UPGRADE UTILITY SYSTEM	0	0	8,000	8,000
454	NEW MEXICO	AIR FORCE	KIRTLAND AFB	SPACE STRUCTURES LABORATORY	6,200	0	6,200	6,200
455	NEW MEXICO	AIR FORCE	KIRTLAND AFB	ALTER DORMITORY	5,100	5,100	5,100	5,100
456	NEW MEXICO	AIR FORCE	KIRTLAND AFB	UPGRADE ELECTRICAL DISTRIBUTION SYSTEM	6,844	6,844	6,844	6,844
457	NEW MEXICO	AIR FORCE	KIRTLAND AFB	ADD/ALTER BASE SUPPORT FACILITIES	0	0	7,100	0
458	NEW MEXICO	AIR FORCE	KIRTLAND AFB	AEROSPACE ENGINEERING FACILITY	3,167	0	3,167	3,167
459	NEW MEXICO	AIR FORCE	KIRTLAND AFB	COMPOSITE MATERIALS LABORATORY	5,750	0	5,750	5,750
460	NEW MEXICO	DEFENSE AGENCIES	CANNON AFB	CMF ADD/ALT LIFE SAFETY/SEISMIC UPGRADE	13,600	13,600	13,600	13,600
461	NEW MEXICO	ARMY NATL GUARD	WHITE SANDS MISSLE RANGE	OMS	0	0	2,940	2,940
462	NEW MEXICO	ARMY NATL GUARD	WHITE SANDS MISSLE RANGE	TACTICAL SITE	0	0	1,995	1,995
463	NEW MEXICO	ARMY NATL GUARD	WHITE SANDS MISSLE RANGE	MATES	0	0	3,570	3,570
464	NEW MEXICO	AIR NATL GUARD	KIRTLAND AFB	POWER CHECK PAD WITH SOUND SUPPRESSOR	800	800	800	800

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
465	NEW MEXICO	AIR NATL GUARD	KIRTLAND AFB	ALTER OPERATIONAL TRAINING FACILITY	390	390	390	390
466	NEW MEXICO	AIR NATL GUARD	KIRTLAND AFB	ALTER MAINTENANCE SHOPS	345	345	345	345
467	NEW MEXICO	AIR FORCE RESERVE	KIRTLAND AFB	CIVIL ENGINEERING TRAINING FACILITY	900	900	900	900
468	NEW YORK	ARMY	U S MILITARY ACADEMY	WHOLE BARRACKS RENEWAL	13,800	13,800	13,800	13,800
469	NEW YORK	ARMY	FORT DRUM	MULTI-PURPOSE RANGE COMPLEX	0	0	9,800	0
470	NEW YORK	ARMY	FORT DRUM	POL STORAGE FACILITY	0	1,550	0	0
471	NEW YORK	ARMY	FORT DRUM	RANGE CONTROL FACILITY	0	2,950	0	2,950
472	NEW YORK	AIR FORCE	PLATTSBURGH AIR FORCE BASE	UPGRADE DORMITORIES	0	5,100	0	0
473	NEW YORK	AIR NATL GUARD	NIAGARA FALLS INTERNATIONAL AIRPORT	ALTER KC-135 OPERATIONS FACILITIES	1,650	1,650	1,650	1,650
474	NEW YORK	AIR NATL GUARD	HANCOCK FIELD	FIRE STATION	1,350	1,350	1,350	1,350
475	NEW YORK	AIR NATL GUARD	STEWART AIRPORT	INDUSTRIAL WASTE HOLDING POND	320	320	320	320
476	NEW YORK	AIR NATL GUARD	SUFFOLK COUNTY	WASTE WATER TREATMENT FACILITY	0	2,700	2,700	2,700
477	NEW YORK	AIR NATL GUARD	STRATTON ANG BASE	FIRE STATION, AGE, SEC. AND MED TRNG FAC	0	3,200	0	0
478	NEW YORK	AIR NATL GUARD	SCHENECTADY AIRPORT ANG	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,050	1,050	1,050	1,050
479	NEW YORK	AIR FORCE RESERVE	NIAGARA FALLS IAP	BASE COMMUNICATIONS CENTER	1,300	1,300	1,300	1,300
480	NEW YORK	AIR FORCE RESERVE	NIAGARA FALLS AIR BASE	CORROSION CONTROL FACILITY	0	800	0	800
481	NORTH CAROLINA	ARMY	FORT BRAGG	TACTICAL EQUIPMENT SHOP	23,000	23,000	23,000	23,000
482	NORTH CAROLINA	ARMY	FORT BRAGG	TACTICAL EQUIPMENT SHOP	7,100	7,100	7,100	7,100
483	NORTH CAROLINA	ARMY	FORT BRAGG	WHOLE BRIGADE BARRACKS COMPLEX	71,600	71,600	71,600	71,600
484	NORTH CAROLINA	ARMY	FORT BRAGG	SEWAGE TREATMENT PLANT UPGRADE	540	540	540	540
485	NORTH CAROLINA	ARMY	FORT BRAGG	LAND ACQUISITION	0	15,000	0	15,000
486	NORTH CAROLINA	ARMY	FORT BRAGG	LAND ACQUISITON	0	1,450	0	1,450
487	NORTH CAROLINA	NAVY	CAMP LEJEUNE MARINE CORPS BASE	WASTEWATER TREATMENT PLANT (PHASE I)	28,300	28,300	28,300	28,300
488	NORTH CAROLINA	NAVY	CAMP LEJEUNE MARINE CORPS BASE	MULTI-PURPOSE TRAINING RANGE	5,300	5,300	5,300	5,300
489	NORTH CAROLINA	NAVY	CAMP LEJEUNE MARINE CORPS BASE	LANDFILL	7,690	7,690	7,690	7,690
490	NORTH CAROLINA	NAVY	CAMP LEJEUNE NAVAL HOSPITAL	BACHELOR ENLISTED QUARTERS	2,370	2,370	2,370	2,370
491	NORTH CAROLINA	NAVY	CHERRY POINT MARINE CORPS AIR STATI	AIRCRAFT MAINTENANCE TRAINING FACILITY	4,040	4,040	4,040	4,040
492	NORTH CAROLINA	NAVY	CHERRY POINT MARINE CORPS AIR STATI	COMMUNICATIONS CENTER	3,460	3,460	3,460	3,460
493	NORTH CAROLINA	AIR FORCE	SEYMOUR JOHNSON AFB	ADD TO AND ALTER DORMITORIES	4,900	4,900	4,900	4,900
494	NORTH CAROLINA	AIR FORCE	SEYMOUR JOHNSON AFB	MUNITIONS MAINTENANCE SUPPORT FACILITY	480	480	480	480
495	NORTH CAROLINA	AIR FORCE	POPE AFB	DINING FACILITY	4,300	4,300	4,300	4,300

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
496	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD TO AND ALTER DORMITORIES	4,300	4,300	4,300	4,300
497	NORTH CAROLINA	DEFENSE AGENCIES	CAMP LEJEUNE MARINE CORPS BASE	CAMP LEJEUNE MULTI ROOM/STONE ELEM SCHOOL	328	328	328	328
498	NORTH CAROLINA	DEFENSE AGENCIES	CAMP LEJEUNE MARINE CORPS BASE	CAMP LEJEUNE AUDITORIUM/BAND ROOM	1,465	1,465	1,465	1,465
499	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	MEDICAL TRNG FAC	18,450	18,450	18,450	18,450
500	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	FT BRAGG ELEM SCHOOL	8,838	8,838	8,838	8,838
501	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	HOSPITAL REPLACEMENT (PHASE II)	195,000	35,000	195,000	35,000
502	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	3SFG/4POG BARRACKS	20,000	20,000	20,000	20,000
503	NORTH CAROLINA	ARMY NATL GUARD	FAYETTEVILLE	ORGANIZATIONAL MAINT SHOP	473	473	473	473
504	NORTH CAROLINA	ARMY RESERVE	MORENEAD CITY	ADD/ALT USARC/OMS/AMSA (MARINE)	9,335	9,335	9,335	9,335
505	NORTH DAKOTA	AIR FORCE	MINOT AFB	UNDERGROUND FUEL STORAGE TANKS	2,000	2,000	2,000	2,000
506	NORTH DAKOTA	AIR FORCE	MINOT AFB	FIRE STATION	0	0	4,000	0
507	NORTH DAKOTA	AIR FORCE	MINOT AFB	REPAIR RUNWAY/TAXIWAY	0	0	8,500	8,500
508	NORTH DAKOTA	AIR FORCE	GRAND FORKS AIR FORCE BASE	UPGRADE FUEL HYDRANT SYSTEM	0	3,250	0	3,250
509	NORTH DAKOTA	AIR FORCE	GRAND FORKS AIR FORCE BASE	UNDERGROUND FUEL STORAGE TANKS	2,600	2,600	2,600	2,600
510	NORTH DAKOTA	AIR FORCE	GRAND FORKS AIR FORCE BASE	REPAIR AIRCRAFT PAVEMENTS	0	0	10,200	10,200
511	NORTH DAKOTA	DEFENSE AGENCIES	GRAND FORKS AIR FORCE BASE	LIFE SAFETY UPGRADE	860	860	860	860
512	NORTH DAKOTA	ARMY NATL GUARD	BISMARCK	AVIATION C-12 HANGAR	1,297	0	1,297	0
513	NORTH DAKOTA	ARMY NATL GUARD	CAMP GRAFTON (DEVILS LAKE)	RANGE, MOD RECORD FIRE (MRF)	1,038	1,038	1,038	1,038
514	NORTH DAKOTA	ARMY NATL GUARD	CAMP GRAFTON (DEVILS LAKE)	TRNG SITE, HEATING PLANT ADD	1,826	1,826	1,826	1,826
515	NORTH DAKOTA	AIR NATL GUARD	HECTOR FIELD	UPGRADE STORM DRAINAGE	400	400	400	400
516	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	FIRE STATION	0	0	1,230	1,230
517	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	RENOVATE ELECTRIC SUBSTATIONS	4,450	4,450	4,450	4,450
518	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	SEAL FUEL CONTAINMENT DIKES	1,500	1,500	1,500	1,500
519	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	FIRE PROTECTION SYSTEM	0	0	1,400	1,400
520	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	UNDERGROUND FUEL STORAGE TANKS	3,200	3,200	3,200	3,200
521	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	ADD TO AVIONICS RESEARCH LAB (PHASE II)	5,650	5,650	5,650	5,650
522	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	ADAL ACQUISITON MGMT COMPLEX (PHASE II)	12,850	12,850	12,850	12,850
523	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	ACQUISITION MANAGEMENT COMPLEX	0	0	14,400	14,400
524	OHIO	DEFENSE AGENCIES	DEFENSE CONSTRUCTION SUPPLY CENTER	CHILD DEVELOPMENT CENTER	3,100	3,100	3,100	3,100
525	OHIO	DEFENSE AGENCIES	DEF ELECTRONICS SUPPLY CENTER	INSTALL GAS-FIRED BOILERS	6,000	6,000	0	0
526	OHIO	ARMY NATL GUARD	RICKENBACKER	DINING FACILITY	0	1,250	1,250	1,250

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
527	OHIO	ARMY RESERVE	COLUMBUS	USARC/OMS/AMSA/DS-GS	14,701	14,701	14,701	14,701
528	OHIO	AIR NATL GUARD	MANSFIELD	MEDICAL TRANINING/DINING FACILITY	0	2,900	2,900	2,900
529	OHIO	AIR NATL GUARD	TOLEDO	ADD/ALTER OPS. AND TRNG FAC	0	1,820	1,820	1,820
530	OHIO	AIR NATL GUARD	TOLEDO	TAXIWAY/ARM-DEARM PAD	0	1,930	1,930	1,930
531	OHIO	AIR NATL GUARD	TOLEDO	FIRE SUPPRESSION SYSTEM	0	1,111	1,100	1,100
532	OHIO	AIR FORCE RESERVE	YOUNGSTOWN	SHORTFIELD LANDING ZONE	0	6,400	6,400	6,400
533	OHIO	AIR FORCE RESERVE	YOUNGSTOWN	SQUAD OPS. FAC.	0	3,200	3,200	0
534	OHIO	AIR FORCE RESERVE	YOUNGSTOWN	C-130 MAINT. HANGER	0	4,500	0	0
535	OHIO	AIR FORCE RESERVE	YOUNGSTOWN	PLANNING AND DESIGN	0	1,877	0	0
536	OHIO	AIR FORCE RESERVE	YOUNGSTOWN MAP	WIDEN AIRCRAFT PARKING APRON	1,450	1,450	1,450	1,450
537	OKLAHOMA	ARMY	FORT SILL	CENTRAL WASH FACILITY	0	7,800	0	7,600
538	OKLAHOMA	ARMY	FORT SILL	ENVIRONMENTAL TRAINING CENTER	0	3,700	0	3,700
539	OKLAHOMA	ARMY	FORT SILL	WHOLE BARRACKS RENEWAL	15,700	15,700	15,700	15,700
540	OKLAHOMA	AIR FORCE	TINKER AFB	ENGINEERING AND CONTRACT SUPPORT FACILITY	5,900	5,900	5,900	5,900
541	OKLAHOMA	AIR FORCE	TINKER AFB	SEAL FUEL CONTAINMENT DIKES	620	620	620	620
542	OKLAHOMA	AIR FORCE	TINKER AFB	INDUSTRIAL WASTEWATER REGIONAL CONNECT	5,400	5,400	5,400	5,400
543	OKLAHOMA	AIR FORCE	TINKER AFB	ALTER HYDRANT FUELING SYSTEM	4,129	4,129	4,129	4,129
544	OKLAHOMA	AIR FORCE	TINKER AFB	CONSOLIDATED VENICLE MAINTENANCE FACILITY	0	0	7,900	0
545	OKLAHOMA	AIR FORCE	TINKER AFB	MILSTAR COMMUNICATIONS GROUND TERMINAL	800	0	0	0
546	OKLAHOMA	AIR FORCE	TINKER AFB	UNDERGROUND FUEL STORAGE TANKS	4,700	4,700	4,700	4,700
547	OKLAHOMA	AIR FORCE	VANCE AFB	T-1 SPECIALIZED UPT MAINTENANCE SUPPORT	2,700	2,700	2,700	2,700
548	OKLAHOMA	AIR FORCE	VANCE AFB	UPGRADE AIRFIELD LIGHTING	3,300	3,300	3,300	3,300
549	OKLAHOMA	AIR FORCE	VANCE AFB	AIRFIELD PAVEMENTS PHASE IV	0	5,000	0	5,000
550	OKLAHOMA	AIR FORCE	ALTUS AFB	C-17 ADD TO ACFT MAINT FACILITY	3,300	3,300	3,300	3,300
551	OKLAHOMA	AIR FORCE	ALTUS AFB	C-17 FIRE STATION	780	780	780	780
552	OKLAHOMA	AIR FORCE	ALTUS AFB	C-17 ADD TO FLT SIMULAT TRNG FAC	2,850	2,850	2,850	2,850
553	OKLAHOMA	AIR FORCE	ALTUS AFB	LAND ACQUISITION	0	780	0	780
554	OKLAHOMA	ARMY NATL GUARD	CAMP GRUBER	MODIFIED RECORD FIRE RANGE	0	907	0	0
555	OKLAHOMA	ARMY NATL GUARD	FREDERICK	ARMORY	0	1,200	0	1,200
556	OKLAHOMA	AIR NATL GUARD	TULSA IAP	ADD TO AND ALTER FIRE STATION	460	460	460	460
557	OKLAHOMA	AIR NATL GUARD	WILL ROGERS WORLD AIRPORT	COMPOSITE SUPPORT FACILITY	3,900	3,900	3,900	3,900

LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
558 OKLAHOMA	AIR NATL GUARD	WILL ROGERS WORLD AIRPORT	MOBILITY EQUIPMENT STORAGE WAREHOUSE	950	950	950	950
559 OREGON	ARMY NATL GUARD	CAMP WITHYCOMBE	SUPPORT/MAINTENANCE SHOP	0	0	7,569	7,569
560 OREGON	ARMY NATL GUARD	PENDLETON	AVIATION SUPPORT FACILITY	0	0	3,515	3,515
561 OREGON	AIR NATL GUARD	PORTLAND IAP	SITE RESTORATION	0	0	2,200	0
562 OREGON	AIR NATL GUARD	PORTLAND IAP	ADD TO AND ALTER FIRE STATION	500	500	500	500
563 OREGON	AIR NATL GUARD	PORTLAND IAP	DRAINAGE IMPROVEMENTS	600	600	950	950
564 OREGON	AIR NATL GUARD	KINGSLEY	REPAIR RUNWAY/TAXIWAY	0	0	8,500	8,500
565 PENNSYLVANIA	ARMY	TOBYHANNA ARMY DEPOT	WATER POLLUTION ABATEMENT	750	750	750	750
566 PENNSYLVANIA	NAVY	PHILADELPHIA NAVY AVIATION SUPPLY OE	LECTRIAL DISTRIB SYSTEM UPGRADE	1,900	1,900	1,900	1,900
567 PENNSYLVANIA	NAVY	PHILADELPHIA NAV INACTIVE SHIP MAIN	BERTHING WHARF IMPROVEMENTS (PHASE II)	8,660	8,660	8,660	8,660
568 PENNSYLVANIA	NAVY	NAV SHIPYARD PHILADELPHIA	UPGRADE POWER PLANT	0	11,500	0	11,500
569 PENNSYLVANIA	NAVY	NAV SHIPYARD PHILADELPHIA	ASBESTOS REMOVAL FACILITY	0	2,000	0	2,000
570 PENNSYLVANIA	DEFENSE AGENCIES	OLMSTEAD FIELD, HARRISBURG IAP	AVION/ECM POD FAC	1,300	1,300	1,300	1,300
571 PENNSYLVANIA	ARMY NATL GUARD	JOHNSTOWN	ARMORY	0	3,000	0	3,000
572 PENNSYLVANIA	ARMY NATL GUARD	JOHNSTOWN	JOINT AVIATION FACILITY	0	5,000	0	0
573 PENNSYLVANIA	ARMY NATL GUARD	JOHNSTOWN	ARMORY ADDITION/FLIGHT FACILITY	0	0	9,000	5,004
574 PENNSYLVANIA	ARMY NATL GUARD	INDIANTOWN GAP	STATE MILITARY BUILDING	0	0	9,200	9,200
575 PENNSYLVANIA	ARMY NATL GUARD	FORT INDIANTOWN GAP	FLIGHT SIMULATOR BUILDING	0	4,584	6,000	0
576 PENNSYLVANIA	AIR NATL GUARD	STATE COLLEGE	COMMUNICATIONS ELEC. TRNG FAC.	0	9,700	9,700	9,700
577 PENNSYLVANIA	AIR NATL GUARD	FT INDIANTOWN ANG COMMUNICATIONS SI	CIVIL ENGINEERING MAINTENANCE SHOPS	850	850	850	850
578 PENNSYLVANIA	AIR FORCE RESERVE	GREATER PITTSBURGH IAP	JET FUEL STORAGE COMPLEX	4,300	4,300	4,300	4,300
579 PENNSYLVANIA	AIR FORCE RESERVE	GREATER PITTSBURGH IAP	BASE CIVIL ENGINEER COMPLEX	0	3,600	3,100	3,100
580 PENNSYLVANIA	AIR FORCE RESERVE	GREATER PITTSBURGH IAP	OFF BASE FIRING RANGE	1,300	1,300	1,300	1,300
581 RHODE ISLAND	NAVY	NAVAL EDUC & TRNG CENTER (NETC)	ADMINISTRATION BUILDING	0	7,000	0	0
582 RHODE ISLAND	NAVY	NEWPORT NAVAL EDUCATION & TRAINING	BACHELOR ENLISTED QUARTERS	7,500	7,500	7,500	7,500
583 RHODE ISLAND	NAVY	NEWPORT NAVAL EDUCATION & TRAINING	ELECTRICAL DISTR SYS UPGRADE (PHASE II)	3,800	3,800	3,800	3,800
584 RHODE ISLAND	DEFENSE AGENCIES	NEWPORT	AMBULATORY CARE CLINIC	0	4,000	0	4,000
585 RHODE ISLAND	NAVY RESERVE	NETC NEWPORT	CBU ADDITION	500	500	500	500
586 RHODE ISLAND	AIR NATL GUARD	QUONSET STATE AIRPORT	BASE ENGINEER MAINTENANCE FACILITY	2,750	2,750	2,750	2,750
587 RHODE ISLAND	AIR NATL GUARD	QUONSET STATE AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	890	890	890	890
588 RHODE ISLAND	AIR NATL GUARD	NORTH SMITHFIELD ANGS	REPLACE UNDERGROUND FUEL STORAGE TANKS	550	550	550	550

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
589	RHODE ISLAND	AIR NATL GUARD	COVENTRY AGS	REPLACE UNDERGROUND FUEL STORAGE TANKS	840	840	840	840
590	SOUTH CAROLINA	ARMY	FORT JACKSON	RANGE UPGRADE	1,600	1,600	1,600	1,600
591	SOUTH CAROLINA	ARMY	FORT JACKSON	OPERATIONS FACILITY	1,100	1,100	1,100	1,100
592	SOUTH CAROLINA	NAVY	BEAUFORT MARINE CORPS AIR STATION	BACHELOR ENLISTED QUARTERS (PHASE II)	8,390	8,390	8,390	8,390
593	SOUTH CAROLINA	NAVY	BEAUFORT MARINE CORPS AIR STATION	JET FUEL DELIVERY SYSTEM IMPROVEMENT	2,510	2,510	2,510	2,510
594	SOUTH CAROLINA	NAVY	CHARLESTON NAVAL WEAPONS STATION	FIRE PROTECTION PIPELINE	580	580	580	580
595	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	FIRE TRAINING FACILITY	1,100	1,100	1,100	1,100
596	SOUTH CAROLINA	AIR FORCE	SHAW AFB	UNDERGROUND FUEL STORAGE TANKS	520	520	520	520
597	SOUTH CAROLINA	AIR FORCE	SHAW AFB	CONTROL TOWER	2,700	2,700	2,700	2,700
598	SOUTH CAROLINA	AIR FORCE	SHAW AFB	CHILD DEVELOPMENT CENTER	2,650	2,650	2,650	2,650
599	SOUTH CAROLINA	ARMY NATL GUARD	SUMMERVILLE	OMS	0	0	834	834
600	SOUTH CAROLINA	ARMY NATL GUARD	LEESBURG	WASH RACK/FUEL FACILITY	0	0	1,009	1,009
601	SOUTH CAROLINA	ARMY NATL GUARD	LEESBURG	REGIONAL NCO ACADEMY	0	0	8,084	0
602	SOUTH CAROLINA	ARMY NATL GUARD	COLUMBIA	LAND ACQUISITION (6 ACRES)	0	977	950	950
603	SOUTH CAROLINA	ARMY NATL GUARD	EASTOVER	ADD/ALTER ARMORY	0	0	1,329	0
604	SOUTH CAROLINA	ARMY NATL GUARD	MCENTIRE	COMBINED SUPPORT MAINTENANCE FAC.	0	8,618	8,616	8,616
605	SOUTH CAROLINA	ARMY RESERVE	FORT JACKSON	USARC/OMS/DS	10,428	10,428	10,428	10,428
606	SOUTH CAROLINA	AIR NATL GUARD	MCENTIRE	UPGRADE AIRFIELD LIGHTING AND PAVEMENT	4,200	4,200	4,200	4,200
607	SOUTH CAROLINA	AIR NATL GUARD	MCENTIRE	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,750	1,750	1,750	1,750
608	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	ALTER AIRCRAFT MAINTENANCE DOCK	630	630	630	630
609	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AIR FORCE BASE	CONSOLIDATED SUPPORT CENTER (PHASE I)	0	6,200	6,200	6,200
610	SOUTH DAKOTA	DEFENSE AGENCIES	ELLSWORTH AIR FORCE BASE	LIFE SAFETY UPGRADE	1,400	1,400	1,400	1,400
611	SOUTH DAKOTA	ARMY NATL GUARD	SIOUX FALLS	MAINTENANCE SHOP	0	0	1,700	1,700
612	SOUTH DAKOTA	ARMY NATL GUARD	SIOUX FALLS	ARMORY ADDITION	0	3,670	3,700	3,700
613	SOUTH DAKOTA	AIR NATL GUARD	SIOUX FALLS	POWER CHECK PAD	0	0	2,200	0
614	SOUTH DAKOTA	AIR NATL GUARD	JOE FOSS FIELD	ALTER COMPOSITE OPERATIONS & TRAINING FAC	350	350	350	350
615	SOUTH DAKOTA	AIR NATL GUARD	JOE FOSS FIELD	ADAL FUEL SYSTEMS MAINT/CORROSION DOCK	1,700	1,700	1,700	1,700
616	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FUELS TRAINER FACILITY	600	600	0	0
617	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FIRE ALARM SYSTEM IMPROVEMENTS	1,100	1,100	1,100	1,100
618	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	POTABLE WATER SYSTEM IMPROVEMENTS	350	350	350	350
619	TENNESSEE	AIR FORCE	MEMPHIS NAVAL AIR STATION	ALTER TECHNICAL TRAINING FACILITY	2,000	2,000	0	0

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
620	TENNESSEE	AIR FORCE	MEMPHIS NAVAL AIR STATION	RENOVATE DORMITORY	1,200	1,200	0	0
621	TENNESSEE	AIR FORCE	MEMPHIS NAVAL AIR STATION	ADAL HIGH-BAY TECHNICAL TRAINING FACILITY	3,000	3,000	0	0
622	TENNESSEE	AIR FORCE	ARNOLD ENGINEERING DEV CENTER	UPGRADE SEWAGE TREATMENT PLANT	1,500	1,500	1,500	1,500
623	TENNESSEE	DEFENSE AGENCIES	MILLINGTON NAVAL AIR STATION	NOSP LIFE SAFETY/SEISMIC UPGRADE (PHASE II)	5,000	5,000	5,000	5,000
624	TENNESSEE	ARMY NATL GUARD	GRUBBS-KYLE TRNG CTR/SMYRNA	JOINT USE EDUCATIONAL FACILITY	0	8,688	0	0
625	TENNESSEE	ARMY NATL GUARD	JEFFERSON CITY	ARMORY	0	952	0	952
626	TENNESSEE	ARMY NATL GUARD	MARTIN	ARMORY ADDITION	0	1,052	0	0
627	TENNESSEE	ARMY NATL GUARD	CAMDEN	ARMORY ADDITION	0	714	0	714
628	TENNESSEE	ARMY NATL GUARD	SMYRNA	CLASS IX DLOG WAREHOUSE	0	710	0	710
629	TENNESSEE	ARMY NATL GUARD	SMYRNA	MEDICAL ARMORY	0	3,934	0	3,934
630	TENNESSEE	ARMY NATL GUARD	SEVIERVILLE	ARMORY	0	1,131	0	1,131
631	TENNESSEE	ARMY NATL GUARD	MILAN	ARMORY	0	1,357	0	1,357
632	TENNESSEE	ARMY NATL GUARD	TIPONVILLE	ARMORY	0	1,157	0	1,157
633	TENNESSEE	ARMY NATL GUARD	WAVERLY	ARMORY ADDITION	0	587	0	587
634	TENNESSEE	ARMY NATL GUARD	ELIZABETHTON	ARMORY STORAGE ADDITION	0	100	0	100
635	TENNESSEE	NAVY RESERVE	NMCRC CHATTANOOGA	RESCEN REPLACEMENT	3,690	3,690	3,690	3,690
636	TENNESSEE	AIR NATL GUARD	ALCOA AIR NATIONAL GUARD STATION	ADAL COMMUNICATIONS ELECTRONICS TRNG FAC	1,300	1,300	1,300	1,300
637	TENNESSEE	AIR NATL GUARD	MCGHEE-TYSON AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	1,100
638	TENNESSEE	AIR NATL GUARD	MCGHEE-TYSON AIRPORT	PHEC ADMINISTRATIVE SUPPORT FACILITY	2,200	2,200	2,200	2,200
639	TENNESSEE	AIR NATL GUARD	NASHVILLE MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
640	TEXAS	ARMY	FORT HOOD	CLOSE COMBAT TACTICAL TRAINER FACILITY	7,500	7,500	7,500	7,500
641	TEXAS	ARMY	FORT HOOD	COLD/DRY STORAGE FACILITY	13,400	13,400	13,400	13,400
642	TEXAS	ARMY	FORT HOOD	TEST AND EVALUATION SUPPORT FACILITY	5,200	5,200	5,200	5,200
643	TEXAS	ARMY	FORT HOOD	COMMAND AND CONTROL FACILITY	0	5,600	0	5,600
644	TEXAS	ARMY	FORT HOOD	DEPLOY STORAGE FACILITY	0	1,500	0	1,500
645	TEXAS	ARMY	FORT HOOD	TACTICAL EQUIPMENT SHOP	5,300	5,300	5,300	5,300
646	TEXAS	ARMY	FORT HOOD	WHOLE BARRACKS RENEWAL	18,000	18,000	18,000	18,000
647	TEXAS	ARMY	FORT SAM HOUSTON	FIRE STATION	0	1,300	0	1,300
648	TEXAS	ARMY	FORT SAM HOUSTON	MULTI-PURPOSE FAMILY SERVICE	4,351	4,351	4,351	4,351
649	TEXAS	ARMY	FORT BLISS	TAC. EQUIP. SHOP & RELATED FAC.	0	2,800	0	2,800
650	TEXAS	ARMY	FORT BLISS	2 TAC. EQUIP. SHOPS & RELATED FACILTIES	0	12,800	0	12,800

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
651	TEXAS	ARMY	FORT BLISS	CONSOLIDATED MAINTENANCE FACILITY	14,000	14,000	14,000	14,000
652	TEXAS	NAVY	CORPUS CHRISTI NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS IMPROVEMENTS	1,670	1,670	1,670	1,670
653	TEXAS	AIR FORCE	BROOKS AIR FORCE BASE	CENTER FOR ENVIRONMENTAL EXCELLENCE	0	8,400	0	8,400
654	TEXAS	AIR FORCE	DYESS AFB	WEAPONS STORAGE AREA SECURITY	890	890	890	890
655	TEXAS	AIR FORCE	DYESS AFB	UPGRADE HYDRANT FUELING SYSTEM (PHASE II)	9,500	9,500	9,500	9,500
656	TEXAS	AIR FORCE	DYESS AFB	DORMITORY RENOVATION (PHASE I, II, III)	0	5,200	0	5,200
657	TEXAS	AIR FORCE	KELLY AFB	C-17 ENGINEERING TEST LABORATORY	2,600	2,600	2,600	2,600
658	TEXAS	AIR FORCE	KELLY AFB	ADD/ALTER DORMITORIES	2,000	2,000	2,000	2,000
659	TEXAS	AIR FORCE	KELLY AFB	UPGRADE TAXIWAY	3,550	3,550	3,550	3,550
660	TEXAS	AIR FORCE	KELLY AFB	C-17 ADAL NDI FACILITY	4,900	4,900	4,900	4,900
661	TEXAS	AIR FORCE	KELLY AFB	UPGRADE SANITARY SEWER MAINS	3,000	3,000	3,000	3,000
662	TEXAS	AIR FORCE	KELLY AFB	ALT WEAPON SYS SUPPORT CENTER (PHASE II)	7,800	7,800	7,800	7,800
663	TEXAS	AIR FORCE	KELLY AFB	C-17 ALTDEPOT AVIONICS FACILITY	731	731	731	731
664	TEXAS	AIR FORCE	KELLY AFB	UPGRADE STORM DRAINAGE SYSTEM (PHASE I)	2,900	2,900	2,900	2,900
665	TEXAS	AIR FORCE	LACKLAND TRAINING ANNEX	VEHICLE MAINTENANCE FACILITY	1,200	0	0	0
666	TEXAS	AIR FORCE	LACKLAND AFB	MISSION SUPPORT CENTER	7,543	7,543	7,543	7,543
667	TEXAS	AIR FORCE	LACKLAND AFB	TRAINING SERVICES FACILITIES	5,800	5,800	5,800	5,800
668	TEXAS	AIR FORCE	LACKLAND AFB	BASE CONTRACTING CENTER	2,450	2,450	2,450	2,450
669	TEXAS	AIR FORCE	LACKLAND AFB	ALTER BASE SUPPORT FACILITY	5,400	5,400	5,400	5,400
670	TEXAS	AIR FORCE	LACKLAND AFB	7-LEVEL TRAINING DORMITORY	8,900	8,900	8,900	8,900
671	TEXAS	AIR FORCE	GOODFELLOW AFB	BASE ENGINEERING COMPLEX	3,700	3,700	3,700	3,700
672	TEXAS	AIR FORCE	LAUGHLIN AFB	UPGRADE AIRFIELD LIGHTING	3,000	3,000	3,000	3,000
673	TEXAS	AIR FORCE	LAUGHLIN AFB	UPGRADE AIRFIELD PAVEMENT	3,250	3,250	3,250	3,250
674	TEXAS	AIR FORCE	LAUGHLIN AFB	FIRE STATION	2,400	2,400	2,400	2,400
675	TEXAS	AIR FORCE	RANDOLPH AFB	UPGRADE ELECTRICAL DISTRIBUTION SYSTEM	2,500	2,500	2,500	2,500
676	TEXAS	AIR FORCE	RANDOLPH AFB	CONTROL TOWER	2,800	2,800	2,800	2,800
677	TEXAS	AIR FORCE	REESE AFB	UNDERGROUND FUEL STORAGE TANKS	900	900	900	900
678	TEXAS	AIR FORCE	SHEPPARD AFB	ADD TO AND ALTER CHILD DEVELOPMENT CENTER	780	780	780	780
679	TEXAS	AIR FORCE	SHEPPARD AFB	ENJJPT ALTER FLIGHT TRAINING FACILITY	2,200	2,200	2,200	2,200
680	TEXAS	AIR FORCE	SHEPPARD AFB	7-LEVEL TRAINING DORMITORY	14,200	14,200	14,200	14,200
681	TEXAS	AIR FORCE	SHEPPARD AFB	FIRE TRAINING FACILITY	850	850	850	850

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
682	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	HOSPITAL REPLACEMENT (PHASE VII)	75,000	75,000	75,000	50,000
683	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	COMBAT MEDIC TRAINING COMPLEX	1,400	1,400	1,400	1,400
684	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	NCO ACADEMY-AMEDD CENTER AND SCHOOL	3,400	3,400	3,400	3,400
685	TEXAS	ARMY NATL GUARD	CORPUS CHRISTI	ORGAN. MAINT. SHOP	0	991	0	991
686	TEXAS	ARMY NATL GUARD	CORPUS CHRISTI	ADD/ALTER ARMORY	0	2,719	0	2,719
687	TEXAS	ARMY NATL GUARD	FORT WORTH (SHOREVIEW)	ADD/ALTER ARMORY	0	5,481	0	0
688	TEXAS	ARMY NATL GUARD	BRYAN	ADD/ALTER ARMORY/OMS	0	2,672	0	0
689	TEXAS	ARMY NATL GUARD	WESLACO	ARMORY	0	5,567	0	5,567
690	TEXAS	ARMY NATL GUARD	SAN ANTONIO	ORGAN. MAINT. SHOP	0	1,370	0	0
691	TEXAS	ARMY NATL GUARD	LUBBOCK	ORGAN. MAINT. SHOP	0	1,726	0	1,726
692	TEXAS	AIR NATL GUARD	KELLY AFB	BASE SUPPLY WAREHOUSE	0	3,600	0	3,600
693	TEXAS	AIR NATL GUARD	KELLY AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	560	560	560	560
694	TEXAS	AIR NATL GUARD	ELLINGTON FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,600	1,600	1,600	1,600
695	TEXAS	AIR FORCE RESERVE	KELLY AFB	RED HORSE STRUCTURAL/UTILITY FACILITY	2,300	2,300	2,300	2,300
696	UTAH	ARMY	DUGWAY PROVING GROUND	LIFE SCIENCES TEST FACILITY	16,500	16,500	16,500	16,500
697	UTAH	ARMY	TOOELE ARMY DEPOT	TREATY COMPLIANCE FACILITY	1,500	1,500	800	1,500
698	UTAH	AIR FORCE	HILL AFB	UPGRADE WASTEWATER COLLECTION SYSTEM	0	6,200	0	6,200
699	UTAH	AIR FORCE	HILL AFB	ADD/INTERGRATED SUPPORT FAC.	0	13,400	0	0
700	UTAH	AIR FORCE	HILL AFB	UPGRADE WATER DISTRIBUTION SYSTEM	2,400	2,400	2,400	2,400
701	UTAH	AIR FORCE	HILL AFB	UPGRADE INDUSTRIAL WASTEWATER TREATMENT PLANT	5,100	5,100	5,100	5,100
702	UTAH	AIR FORCE	HILL AFB	FIRE TRAINING FACILITY	880	880	880	880
703	UTAH	DEFENSE AGENCIES	DEF REUTILIZATION & MKTG OFC HILL AFB	FIRE PROTECTION & OPEN STORAGE	1,700	1,700	1,700	1,700
704	UTAH	ARMY NATL GUARD	CAMP WILLIAMS	RANGE, MAC	850	850	850	850
705	UTAH	ARMY NATL GUARD	CAMP WILLIAMS	RANGE, INFANTRY SQUAD BATTLE CRSE	1,066	1,066	1,066	1,066
706	UTAH	AIR NATL GUARD	SALT LAKE CITY IAP	ALTER COMPOSITE SUPPORT FACILITY	950	950	950	950
707	UTAH	AIR NATL GUARD	SALT LAKE CITY IAP	ADAL COMMUNICATION AND ELECTRONICS TRNG	850	850	850	850
708	UTAH	AIR NATL GUARD	SALT LAKE CITY IAP	SITE RESTORATION	2,000	2,000	2,000	2,000
709	VERMONT	ARMY NATL GUARD	CAMP JOHNSON	ORGANIZATIONAL MAINT SHOP	1,002	1,002	1,002	1,002
710	VERMONT	ARMY NATL GUARD	JERICHO	TRNG SITE, SUPPORT FACILITIES	304	304	304	304
711	VERMONT	ARMY NATL GUARD	JERICHO	TRAINING FACILITY	0	0	3,200	3,200
712	VERMONT	AIR NATL GUARD	BURLINGTON IAP	FIRE STATION	1,500	1,500	1,500	1,500

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
713	VIRGINIA	ARMY	FORT LEE	APPLIED INSTRUCTION FACILITY	12,600	12,600	12,600	12,600
714	VIRGINIA	ARMY	FORT LEE	WHOLE BARRACKS RENEWAL	20,000	20,000	20,000	20,000
715	VIRGINIA	ARMY	FORT BELVOIR	SCHOOL	0	0	8,000	8,000
716	VIRGINIA	ARMY	FORT BELVOIR	OPERATIONS FACILITY	860	860	860	860
717	VIRGINIA	ARMY	FORT MYER	WHOLE BARRACKS RENEWAL	6,800	6,800	6,800	6,800
718	VIRGINIA	NAVY	ARMED FORCES STAFF COLLEGE, NORFOLK	WARGAME TRAINING AND OPERATION CENTER	0	8,800	0	0
719	VIRGINIA	NAVY	NORFOLK CDR OPERATIONAL TEST & EVAL	OPERATIONS TEST & EVALUATION MGMT CTR	8,100	8,100	8,100	8,100
720	VIRGINIA	NAVY	NORFOLK NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS	12,270	12,270	12,270	12,270
721	VIRGINIA	NAVY	NORFOLK NAVAL AVIATION DEPOT	AIRCRAFT REWORK FACILITY	17,800	17,800	0	0
722	VIRGINIA	NAVY	NORFOLK NAVY PUBLIC WORKS CENTER	TRASH RECYCLE FACILITY ADDITION	5,330	5,330	5,330	5,330
723	VIRGINIA	NAVY	NAVAL STATION, NORFOLK	PIER (NAUTICUS)	0	3,000	0	0
724	VIRGINIA	NAVY	NAS, OCEANA	JET ENGINE TEST CELL REPLACEMENT	0	5,300	0	5,300
725	VIRGINIA	NAVY	NAS, OCEANA	REPLACE FUEL TANK FARM	0	1,800	0	1,800
726	VIRGINIA	NAVY	WALLOPS IS NAVAL SURFACE WEAPONS CT	SHIP SELF-DEFENSE ENGINEERING FACILITY	10,170	10,170	10,170	10,170
727	VIRGINIA	NAVY	QUANTICO MARINE CORPS COMBAT DEV CO	CHILD DEVELOPMENT CENTER	3,850	3,850	3,850	3,850
728	VIRGINIA	NAVY	QUANTICO MARINE CORPS COMBAT DEV CO	ANTI-ARMOR TRACKING & LIVE FIRE RANGE	3,600	3,600	3,600	3,600
729	VIRGINIA	NAVY	CHESAPEAKE MARINE CORPS SEC FORCE B	INDOOR RANGE COMPLEX	3,060	3,060	3,060	3,060
730	VIRGINIA	NAVY	CHESAPEAKE MARINE CORPS SEC FORCE B	ACADEMIC INSTRUCTION BUILDING	2,320	2,320	2,320	2,320
731	VIRGINIA	NAVY	PORTSMOUTH NORFOLK NAVAL SHIPYARD	BACHELOR ENLISTED QUARTERS	13,420	13,420	13,420	13,420
732	VIRGINIA	NAVY	CRANEY ISLAND FLT & INDUS SUPPLY CT	WASTEWATER TREATMENT PLANT MODS	11,740	11,740	11,740	11,740
733	VIRGINIA	AIR FORCE	LANGLEY AFB	FIRE STATION	3,850	3,850	3,850	3,850
734	VIRGINIA	AIR FORCE	LANGLEY AFB	ADD TO AND ALTER CARS OPERATIONS FACILITY	5,373	0	5,373	0
735	VIRGINIA	AIR FORCE	LANGLEY AFB	UNDERGROUND FUEL STORAGE TANKS	500	500	500	500
736	VIRGINIA	AIR FORCE	LANGLEY AFB	BASE ENGINEERING COMPLEX (PHASE II)	4,000	4,000	4,000	4,000
737	VIRGINIA	AIR FORCE	LANGLEY AFB	RESTORE KING STREET BRIDGE	4,100	4,100	4,100	4,100
738	VIRGINIA	DEFENSE AGENCIES	PORTSMOUTH NAVAL HOSPITAL	HOSPITAL REPLACEMENT V	211,900	20,000	211,900	20,000
739	VIRGINIA	DEFENSE AGENCIES	QUANTICO MARINE CORPS COMBAT DEV CO	QUANTICO HIGH ADDN	422	422	422	422
740	VIRGINIA	DEFENSE AGENCIES	NAVAL AMPHIBIOUS BASE, LITTLE CREEK	SOF SPECBOATRON PBC SUPPORT	7,500	7,500	7,500	7,500
741	VIRGINIA	DEFENSE AGENCIES	DEFENSE GENERAL SUPPLY CENTER	HAZARDOUS MATERIAL PROCESSING FACILITY	4,600	4,600	4,600	4,600
742	VIRGINIA	DEFENSE AGENCIES	DEFENSE GENERAL SUPPLY CENTER	SHEDS FOR OIL STORAGE	9,500	9,500	9,500	9,500
743	VIRGINIA	DEFENSE AGENCIES	DEFENSE GENERAL SUPPLY CENTER	ALTER HAZARDOUS MATERIAL WAREHOUSE	2,900	2,900	2,900	2,900

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
744	VIRGINIA	DEFENSE AGENCIES	FT. BELVOIR	ADMINISTRATIVE BUILDING	5,200	5,200	5,200	5,200
745	VIRGINIA	DEFENSE AGENCIES	FORT EUSTIS	LIFE SAFETY UPGRADE	3,650	3,650	3,650	3,650
746	VIRGINIA	NAVY RESERVE	NCRC DAHNECK	ELECTRONIC MAINT SHOP	1,000	1,000	1,000	1,000
747	VIRGINIA	AIR NATL GUARD	RICHARD E BYRD IAP	ADAL FUEL SYSTEMS MAINTENANCE DOCK	1,300	1,300	1,300	1,300
748	VIRGINIA	AIR NATL GUARD	RICHARD E BYRD IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	1,100
749	VIRGINIA	AIR NATL GUARD	CAMP PENDLETON ANGB	BASE ENGINEER MAINTENANCE AND STORAGE FAC	1,150	1,150	1,150	1,150
750	VIRGINIA	AIR NATL GUARD	RICHMOND IAP	FUEL STORAGE COMPLEX	0	0	4,500	0
751	WASHINGTON	ARMY	FORT LEWIS	INCINERATOR BUILDING COMPLETION	14,200	14,200	14,200	14,200
752	WASHINGTON	NAVY	BANGOR NAVAL SUBMARINE BASE	MESS HALL ADDITION	1,720	1,720	1,720	1,720
753	WASHINGTON	NAVY	BANGOR NAVAL SUBMARINE BASE	OILY WASTE TREATMENT FACILITY	1,380	1,380	1,380	1,380
754	WASHINGTON	NAVY	KEYPORT NAVAL UNDERSEA WARFARE CENT	HAZARDOUS WASTE STORAGE FACILITY	8,980	8,980	8,980	8,980
755	WASHINGTON	NAVY	EVERETT NAVAL STATION	BREAKWATER	22,200	22,200	22,200	22,200
756	WASHINGTON	NAVY	EVERETT NAVAL STATION	STEAM PLANT	11,800	11,800	11,800	11,800
757	WASHINGTON	AIR FORCE	FAIRCHILD AFB	INTELLIGENCE TECHNICAL TRAINING FACILITY	3,500	3,500	3,500	3,500
758	WASHINGTON	AIR FORCE	MCCHORD AFB	ADD/ALTER DORMITORIES	6,500	6,500	6,500	6,500
759	WASHINGTON	AIR FORCE	MCCHORD AFB	CHILD DEVELOPMENT CENTER COMPLEX	4,400	4,400	4,400	4,400
760	WASHINGTON	DEFENSE AGENCIES	FAIRCHILD AFB	UTILITY/LIFE SAFETY UPGRADE	8,250	8,250	8,250	8,250
761	WASHINGTON	ARMY NATL GUARD	YAKIMA TRAINING CENTER (YAKIMA)	RANGE, MACHINE GUN MODIFICATION	1,527	1,527	1,527	1,527
762	WASHINGTON	ARMY RESERVE	FORT LAWTON	RESERVE CENTER	0	0	1,943	0
763	WASHINGTON	ARMY RESERVE	FORT LEWIS	USARC/OMS/AMSA/ECS/WAREHOUSE	14,703	14,703	14,703	14,703
764	WASHINGTON	NAVY RESERVE	JOINT TRAINING CENTER EVERETT	RESCEN REPLACEMENT	2,550	2,550	2,550	2,550
765	WASHINGTON	NAVY RESERVE	BANGOR	NAVAL RESERVE CENTER	0	0	3,000	3,000
766	WASHINGTON	AIR NATL GUARD	FOUR LAKES COMMUNICATIONS STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	360	360	360	360
767	WASHINGTON	AIR NATL GUARD	PAINE FIELD ANG STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	320	320	320	320
768	WASHINGTON	AIR NATL GUARD	BELLINGHAM MUNICIPAL AIRPORT ANG	REPLACE UNDERGROUND FUEL STORAGE TANKS	420	420	420	420
769	WASHINGTON	AIR NATL GUARD	SEATTLE AIR NATIONAL GUARD BASE	REPLACE UNDERGROUND FUEL STORAGE TANKS	320	320	320	320
770	WASHINGTON	AIR NATL GUARD	CAMP MURRAY	REPLACE UNDERGROUND FUEL STORAGE TANKS	380	380	380	380
771	WEST VIRGINIA	AIR NATL GUARD	E WV REGIONAL APT (MARTINSBURG)	ADD TO AERIAL PORT TRAINING FACILITY	390	390	390	390
772	WEST VIRGINIA	AIR NATL GUARD	YEAGER AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	370	370	370	370
773	WISCONSIN	ARMY NATL GUARD	WEST BEND	ARMORY	0	0	7,100	0
774	WISCONSIN	ARMY NATL GUARD	CAMP WILLIAMS	COMBINED MAINTENANCE FACILITY	0	0	11,900	11,900

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
775	WISCONSIN	NAVY RESERVE	NMCRC GREEN BAY	RESCEN ADDITION	650	650	650	650
776	WISCONSIN	AIR NATL GUARD	BILLY MITCHELL FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	600	600	600	600
777	WISCONSIN	AIR NATL GUARD	TRUAX FIELD	FIRE STATION	1,400	1,400	1,400	1,400
778	WISCONSIN	AIR NATL GUARD	VOLK FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	510	510	510	510
779	WISCONSIN	AIR FORCE RESERVE	BILLY MITCHELL FIELD	ADD FIRE PROTECTION TO AIRCRAFT HANGARS	1,500	1,500	1,500	1,500
780	WISCONSIN	AIR FORCE RESERVE	BILLY MITCHELL FIELD	UPGRADE BASE FUELS COMPLEX	1,800	1,800	1,800	1,800
781	WYOMING	AIR FORCE	F E WARREN AFB	UNDERGROUND FUEL STORAGE TANKS	2,200	2,200	2,200	2,200
782	WYOMING	AIR FORCE	F E WARREN AFB	RENOVATE SECURITY POLICE OPERATIONS	6,000	6,000	6,000	6,000
783	WYOMING	AIR FORCE	F E WARREN AFB	WEAPONS STORAGE AREA SECURITY	640	640	640	640
784	WYOMING	AIR FORCE	F E WARREN AFB	REMOTE MISSILE CREW FACILITIES	3,800	3,800	3,800	3,800
785	WYOMING	ARMY NATL GUARD	CAMP GUERNSEY	BARRACKS RENOVATION	0	0	3,338	3,338
786	CONUS CLASSIFIED	ARMY	CLASSIFIED LOCATIONS	CLASSIFIED PROJECT	3,000	1,852	3,000	1,852
787	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	SPECIAL TACTICAL UNIT DETENTION FACILITY	5,540	5,540	5,540	5,540
788	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	OMEGA FACILITIES	2,600	2,600	2,600	2,600
789	CONUS CLASSIFIED	DEFENSE AGENCIES	OSD MILCON	CLASSIFIED LOCATION	5,600	5,600	5,600	5,600
790	CONUS UNSPECIFIED	BASE CLOSURE I	BASE REALIGNMENT & CLOSURE ACCT	BASE REALIGNMENT & CLOSURE PART I	27,870	127,870	12,830	12,830
791	CONUS UNSPECIFIED	BASE CLOSURE III	BASE REALIGNMENT & CLOSURE ACCT	BASE REALIGNMENT & CLOSURE PART III	1,200,000	1,306,000	1,500,000	1,144,000
792	CONUS UNSPECIFIED	BASE CLOSURE II	BASE REALIGNMENT & CLOSURE ACCT	BASE REALIGNMENT & CLOSURE PART II	1,800,500	2,200,500	1,526,310	1,526,310
793	CONUS VARIOUS	NAVY	CONUS VARIOUS	WASTEWATER COLLECTION & TREATMENT SYSTEM	3,260	3,260	3,260	3,260
794	CONUS VARIOUS	NAVY	LAND ACQUISITION	LAND AQUISITION	540	540	540	540
795	CONUS VARIOUS	ARMY NATL GUARD	VARIOUS LOCATIONS	ARMORY UNIT STORAGE BUILDINGS	750	750	750	750
796	CONUS VARIOUS	ARMY NATL GUARD	UNSPECIFIED LOCATIONS	INDOOR RANGE MODERNIZATION	637	637	637	637
797	ANTIGUA	AIR FORCE	ANTIGUA ISLAND	SLFI-UPGRADE BACKUP GENERATOR	1,000	1,000	1,000	1,000
798	ASCENSION ISLAND	AIR FORCE	ASCENSION ISLAND	SLFI-WASTEWATER TREATMENT PLANT	3,400	3,400	3,400	3,400
799	DIEGO GARCIA	AIR FORCE	DIEGO GARCIA	SATELLITE TRACKING STORAGE FACILITY	560	560	560	560
800	DIEGO GARCIA	AIR FORCE	DIEGO GARCIA	GPS INSTRUMENTATION FACILITY	1,700	1,700	1,700	1,700
801	DIEGO GARCIA	DEFENSE AGENCIES	DIEGO GARCIA	FUEL TANKAGE	9,558	9,558	9,558	9,558
802	GERMANY	AIR FORCE	RAMSTEIN AB	CHILD DEVELOPMENT CENTER	3,100	3,100	3,100	3,100
803	GREENLAND	AIR FORCE	THULE AB	WASTEWATER TREATMENT PLANT	5,492	5,492	5,492	5,492
804	GUAM	NAVY	FLEET AND INDUSTRIAL SUPPLY CENTER	GAS BOTTLE STORAGE FACILITY	1,240	1,240	1,240	0
805	GUAM	NAVY	FLEET AND INDUSTRIAL SUPPLY CENTER	INTERGRATED STORAGE HANDLING FACILITY	21,200	21,200	21,200	21,200

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
806	GUAM	NAVY	NAVAL OCEANOGRAPHY COMMAND CENTER	OCEANOGRAPHY BUILDING ALTERATIONS	690	690	690	0
807	GUAM	NAVY	ANDERSON AIR FORCE BASE NAVAL AIR F	BACHELOR OFFICER QUARTERS MODERNIZATION	3,750	3,750	3,750	3,750
808	GUAM	NAVY	ANDERSON AIR FORCE BASE NAVAL AIR F	BACHELOR ENLISTED QUARTERS RENOVATION	3,560	3,560	3,560	3,560
809	GUAM	NAVY	NAVAL MAGAZINE	INERT STOREHOUSES	3,750	3,750	3,750	0
810	GUAM	NAVY	NAVY PUBLIC WORKS CENTER	SEWERAGE TREATMENT PLANT	7,230	7,230	7,230	7,230
811	GUAM	NAVY	NAVY PUBLIC WORKS CENTER	TRANSPORTATION PARTS STORAGE FACILITY	1,610	1,610	1,610	0
812	GUAM	NAVY	NAVY PUBLIC WORKS CENTER	WATERFRONT UTILITIES	11,840	11,840	11,840	0
813	GUAM	NAVY	NAVAL HOSPITAL	CHILD DEVELOPMENT CENTER	2,460	2,460	2,460	2,460
814	GUAM	NAVY	NAVAL STATION	CHILD DEVELOPMENT CENTER ADDITION	2,020	2,020	2,020	2,020
815	GUAM	NAVY	NAVAL STATION	EXPLOSIVE ORDNANCE DISPOSAL OPERS FAC	12,500	12,500	12,500	12,500
816	GUAM	NAVY	MILITARY SEALIFT COMMAND OFFICE	MILITARY SEALIFT COMMAND OPERATIONS BLDG	2,170	2,170	2,170	0
817	GUAM	AIR FORCE	ANDERSEN AFB	UNDERGROUND FUEL STORAGE TANKS	4,100	4,100	4,100	0
818	GUAM	ARMY NATL GUARD	BARRIGADA, GUAM	ADMIN/WAREHOUSE FACILITY	0	3,500	0	1,573
819	GUAM	AIR NATL GUARD	ANDERSON AFB	BASE SUPPLIES AND EQUIPMENT WAREHOUSE	400	400	400	400
820	ITALY	NAVY	NAPLES NAVAL SUPPORT ACTIVITY	CONSOLIDATED SUPPORT FACILITIES (PHASE I)	11,740	11,740	11,740	11,740
821	ITALY	NAVY	NAS, SIGONELLA	BEQ	0	10,300	0	0
822	ITALY	NAVY	SIGONELLA NAVAL AIR STATION	CHILD DEVELOPMENT CENTER	3,460	3,460	3,460	3,460
823	JOHNSTON ISLAND	ARMY	JOHNSTON ISLAND	TREATY VERIFICATION FAC.	0	1,700	1,700	0
824	KWAJALEIN	ARMY	KWAJALEIN	SEWAGE TREATMENT FACILITY	11,200	11,200	11,200	11,200
825	KWAJALEIN	ARMY	KWAJALEIN	UNACCOMPANIED PERSONNEL HOUSING	10,000	10,000	10,000	10,000
826	OMAN	AIR FORCE	THUMRAIT AB	WAR READINESS MATERIEL COVERED STORAGE FAC	1,800	1,800	1,800	0
827	OVERSEAS CLASSIFIED	ARMY	CLASSIFIED LOCATION	COMMUNICATIONS MAINTENANCE FACILITY	3,600	3,600	3,600	0
828	OVERSEAS CLASSIFIED	NAVY	LAND ACQUISITION	LAND ACQUISITION	800	800	800	800
829	OVERSEAS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	WAR READINESS MATERIEL WAREHOUSE	5,500	5,500	5,500	0
830	OVERSEAS CLASSIFIED	DEFENSE AGENCIES	OVERSEAS CLASSIFIED	CLASSIFIED PROJECT	10,755	10,755	10,755	10,755
831	PUERTO RICO	DEFENSE AGENCIES	DEFENSE FUEL SUPPORT POINT ROOSEVEL	FUEL TANKAGE	5,800	5,800	5,800	0
832	PUERTO RICO	AIR NATL GUARD	PUERTO RICO IAP	UPGRADE F-16 ACFT PKNG RAMP SECURITY SYS	2,000	2,000	2,000	2,000
833	PUERTO RICO	AIR NATL GUARD	PUERTO RICO IAP	ADD TO AND ALTER F-16 AVIONICS SHOP	320	320	320	320
834	PUERTO RICO	AIR NATL GUARD	PUERTO RICO IAP	ALTER FUEL SYSTEMS MAINTENANCE FACILITY	750	750	750	750
835	SPAIN	NAVY	ROTA NAVAL STATION	CHILD DEVELOPMENT CENTER	2,670	2,670	2,670	2,670
836	TURKEY	AIR FORCE	INCIRLIK AB	ADD TO AND ALTER DORMITORIES	2,400	2,400	2,400	2,400

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT	
837	UNITED KINGDOM	AIR FORCE	RAF MILDENHALL	C-130 MAINTENANCE HANGAR	4,800	4,800	4,800	4,800	
838	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	ARMY - HOST NATION SUPPORT	25,000	25,000	25,000	25,000	
839	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	12,000	12,000	12,000	12,000	
840	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	84,441	90,161	85,991	84,441	1/
841	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,500	5,500	5,500	5,500	
842	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	64,373	78,573	64,373	64,373	2/
843	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	HOST NATION INFRASTRUCTURE SUPPORT	2,960	2,960	2,960	2,960	
844	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	63,180	63,882	63,180	63,180	3/
845	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	6,844	11,844	6,844	6,844	
846	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	OSD	UNSPECIFIED MINOR CONSTRUCTION	2,922	2,922	2,922	2,922	
847	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	OSD	PLANNING AND DESIGN	5,700	5,700	5,700	5,700	
848	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	ENERGY CONSERVATION IMPROVEMENT PROGRAM	50,000	60,000	50,000	50,000	
849	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	4,000	4,000	4,000	4,000	
850	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	CONTINGENCY CONSTRUCTION	12,200	12,200	12,200	12,200	
851	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	PLANNING AND DESIGN	535	535	535	535	
852	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,975	5,975	5,975	5,975	
853	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	PLANNING AND DESIGN	10,305	10,305	10,305	10,305	
854	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	2,192	2,192	2,192	2,192	
855	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	3,757	3,757	3,757	3,757	
856	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	PLANNING AND DESIGN	25,865	25,865	25,865	25,865	4/
857	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	2,000	2,000	2,000	2,000	
858	WORLDWIDE UNSPECIFIED	NATO	NATO INFRASTRUCTURE	NATO INFRASTRUCTURE	240,000	240,000	240,000	140,000	
859	WORLDWIDE UNSPECIFIED	DEBT	UNSPECIFIED LOCATIONS	DEBT REDUCTION	412	412	412	412	
860	WORLDWIDE UNSPECIFIED	MILCON-DEAUTHORIZATIONS	UNSPECIFIED LOCATIONS	PRIOR YEAR DEAUTHORIZATIONS MILCON	0	0	0	(241,977)	
861	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	812	812	812	812	
862	WORLDWIDE UNSPECIFIED	ARMY NATL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,000	5,000	5,000	5,000	
863	WORLDWIDE UNSPECIFIED	ARMY NATL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	522	3,784	522	3,784	5/
864	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	4,897	6,397	4,897	6,397	6/
865	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	2,100	2,100	2,100	2,100	
866	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	1,359	1,359	1,359	1,359	
867	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	1,042	1,042	1,042	1,042	

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
868	WORLDWIDE UNSPECIFIED	AIR NATL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	4,000	4,000	4,000	4,000
869	WORLDWIDE UNSPECIFIED	AIR NATL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	9,900	12,400	9,900	10,868
870	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	3,904	3,904	3,904	3,904
871	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	3,400	3,400	3,400	3,400
872	ALABAMA	FHC-AIR FORCE	MAXWELL AFB	FAMILY HOUSING (55 UNITS)	4,080	4,080	4,080	4,080
873	ARKANSAS	FHC-AIR FORCE	LITTLE ROCK AFB	HOUSING OFFICE AND MAINTENANCE FACILITY	980	980	980	980
874	CALIFORNIA	FHC-ARMY	FORT IRWIN	NEW CONSTRUCTION (220)	25,000	25,000	25,000	25,000
875	CALIFORNIA	FHC-NAVY	PUBLIC WORKS CENTER SAN DIEGO	NEW CONSTRUCTION (318 HOMES)	36,571	36,571	36,571	36,571
876	CALIFORNIA	FHC-AIR FORCE	VANDENBERG AFB	FAMILY HOUSING (166 UNITS)	21,907	21,907	21,907	21,907
877	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED LOCATIONS	HOMEOWNERS ASSISTANCE	151,400	151,400	151,400	151,400
878	DISTRICT OF COLUMBIA	FHC-NAVY	PUBLIC WORKS CENTER WASHINGTON DC	NEW CONSTRUCTION (188 HOMES)	21,556	21,556	21,556	21,556
879	FLORIDA	FHC-NAVY	PUBLIC WORKS CENTER PENSACOLA	NEW CONSTRUCTION (SELF HELP/WAREHOUSE)	300	300	300	300
880	FLORIDA	FHC-AIR FORCE	TYNDALL AFB	INFRASTRUCTURE	5,732	5,732	5,732	5,732
881	FLORIDA	FHC-AIR FORCE	PATRICK AFB	FAMILY HOUSING (155 UNITS)	15,388	15,388	15,388	15,388
882	GEORGIA	FHC-NAVY	NAVAL SUBMARINE SUPPORT BASE KINGS	NEW CONSTRUCTION (CMM CNTR/SELF HLP/HNSE)	790	790	790	790
883	GEORGIA	FHC-AIR FORCE	ROBINS AFB	FAMILY HOUSING (118 UNITS)	7,424	7,424	7,424	7,424
884	HAWAII	FHC-ARMY	SCHOFIELD BARRACKS	NEW CONSTRUCTION (88)	13,000	13,000	13,000	13,000
885	HAWAII	FHC-ARMY	SCHOFIELD BARRACKS	NEW CONST(125)(18.0M) + REPL(135)(21.0M)	39,000	39,000	39,000	39,000
886	ILLINOIS	FHC-AIR FORCE	SCOTT AIR FORCE BASE	HOUSING RELOCATION, PHASE II	0	10,000	20,000	10,000
887	IDAHO	FHC-AIR FORCE	CONISO AB	FAMILY HOUSING (460 UNITS)	20,200	20,200	20,200	0
888	LOUISIANA	FHC-AIR FORCE	BARKSDALE AFB	FAMILY HOUSING (118 UNITS)	8,578	8,578	8,578	8,578
889	MAINE	FHC-NAVY	NAS BRUNSWICK	NEW CONSTRUCTION (MOBILE HOME SPACES)	490	490	490	490
890	MARYLAND	FHC-ARMY	FORT MEADE	REPLACEMENT CONSTRUCTION (275)	26,000	26,000	26,000	26,000
891	MASSACHUSETTS	FHC-AIR FORCE	HANSCOM AFB	FAMILY HOUSING (48 UNITS)	5,135	5,135	5,135	5,135
892	MONTANA	FHC-AIR FORCE	MALMSTROM AFB	HOUSING OFFICE	581	581	581	581
893	NEVADA	FHC-ARMY	HAWTHORNE ARMY AMMO PLANT	DEMOLITION OF FAMILY HOUSING	0	500	0	500
894	NEW YORK	FHC-ARMY	U S MILITARY ACADEMY	REPLACEMENT CONSTRUCTION (100)	15,000	15,000	15,000	15,000
895	NORTH CAROLINA	FHC-ARMY	FORT BRAGG	REPLACEMENT CONSTRUCTION (224)	18,000	18,000	18,000	18,000
896	SCOTLAND	FHC-NAVY	NAVAL SECURITY GROUP ACTIVITY EDZEL	NEW CONSTRUCTION (40 HOMES)	6,000	0	0	0
897	TEXAS	FHC-AIR FORCE	DYESS AFB	HOUSING MAINTENANCE FACILITY	281	281	281	281
898	TEXAS	FHC-AIR FORCE	LACKLAND AFB	FAMILY HOUSING (111 UNITS)	8,770	8,770	8,770	8,770

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT	
899	UNITED KINGDOM	FHC-NAVY	NAVAL ACTIVITIES LONDON	NEW CONSTRUCTION (81 HOMES)	15,470	15,470	15,470	15,470	
900	VIRGINIA	FHC-NAVY	NAVAL AIR STATION OCEANA	NEW CONSTRUCTION (COMMUNITY CENTER)	860	860	860	860	
901	VIRGINIA	FHC-NAVY	NAVAL COMPLEX NORFOLK	NEW CONSTRUCTION (392 HOMES)	50,674	50,674	50,674	50,674	
902	VIRGINIA	FHC-AIR FORCE	LANGLEY AFB	HOUSING OFFICE	452	452	452	452	
903	WASHINGTON	FHC-NAVY	NAVAL SUBMARINE BASE BANGOR	NEW CONSTRUCTION (290 HOMES)	27,438	27,438	27,438	27,438	
904	WASHINGTON	FHC-NAVY	NAS WHIDBEY ISLAND	NEW CONSTRUCTION (106)	0	0	10,000	10,000	
905	WASHINGTON	FHC-AIR FORCE	FAIRCHILD AFB	FAMILY HOUSING (1 UNIT)	184	184	184	184	
906	WISCONSIN	FHC-ARMY	FORT MCCOY	REPLACEMENT CONSTRUCTION (16)	2,950	2,950	2,950	2,950	
907	WYOMING	FHC-AIR FORCE	F E WARREN AFB	FAMILY HOUSING (104 UNITS)	10,572	10,572	10,572	10,572	
908	WORLDWIDE UNSPECIFIED	FHC-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	67,530	69,630	77,630	77,630	7/
909	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	INTEREST PAYMENTS	17	17	17	17	
910	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	268,139	268,139	268,139	268,139	
911	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	388,528	413,428	388,528	388,528	
912	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	81,163	81,163	81,163	81,163	
913	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,840	1,840	1,840	1,840	
914	WORLDWIDE UNSPECIFIED	FHC-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	11,805	11,805	11,805	11,805	
915	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	41,707	41,707	41,707	41,707	
916	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	62,447	62,447	62,447	62,447	
917	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	281,348	281,348	281,348	281,348	
918	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	36,904	36,904	36,904	36,904	
919	WORLDWIDE UNSPECIFIED	FHC-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	22,924	22,924	22,924	22,924	
920	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	87,769	87,769	87,769	87,769	
921	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,133	1,133	1,133	1,133	
922	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	113,308	113,308	113,308	113,308	
923	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	45,347	45,347	45,347	45,347	
924	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	88	88	88	88	
925	WORLDWIDE UNSPECIFIED	FHC-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	190,696	190,696	183,135	183,135	
926	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	355,554	380,554	355,554	355,554	
927	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	194,952	194,952	194,952	194,952	
928	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	44,282	44,282	44,282	44,282	
929	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	28,183	28,183	28,183	28,183	

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT	
930	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	4,639	4,639	4,639	4,639	
931	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	21	21	21	21	
932	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	211,036	211,036	211,036	211,036	
933	WORLDWIDE UNSPECIFIED	FHC-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	9,901	11,901	9,901	11,901	
934	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	403,942	419,892	403,942	403,942	
935	WORLDWIDE UNSPECIFIED	FHC-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	53,070	61,181	75,070	75,070	8/
936	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	118,266	118,266	118,266	118,266	
937	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	43,543	43,543	43,543	43,543	
938	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UTILITIES ACCOUNT (DLA)	466	466	466	466	
939	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	FURNISHINGS ACCOUNT (DIA)	1,865	1,865	1,865	1,865	
940	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	SERVICES ACCOUNT (NSA)	366	366	366	366	
941	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MISCELLANEOUS ACCOUNT (NSA)	26	26	26	26	
942	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MANAGEMENT ACCOUNT (NSA)	62	62	62	62	
943	WORLDWIDE UNSPECIFIED	FHC-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	CONSTRUCTIONS IMPROVEMENTS (NSA)	50	50	50	50	
944	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	FURNISHINGS ACCOUNT	71	71	71	71	
945	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UTILITIES ACCOUNT (NSA)	432	432	432	432	
946	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MAINTENANCE OF REAL PROPERTY (DLA)	690	690	690	690	
947	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	LEASING (DIA)	12,468	12,468	12,468	12,468	
948	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MAINTENANCE OF REAL PROPERTY (NSA)	228	228	228	228	
949	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MANAGEMENT ACCOUNT (DLA)	158	158	158	158	
950	WORLDWIDE UNSPECIFIED	FHC-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	CONSTRUCTIION IMPROVEMENTS (DLA)	109	109	109	109	
951	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	FURNISHINGS ACCOUNT (DLA)	41	41	41	41	
952	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	LEASING (NSA)	10,414	10,414	10,414	10,414	
953	WORLDWIDE UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	SERVICES ACCOUNT (DLA)	50	50	50	50	
954	WORLDWIDE UNSPECIFIED	FHS-DEAUTHORIZATIONS	UNSPECIFIED LOCATIONS	DEAUTHORIZATIONS	0	0	0	(104,455)	
955	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED LOCATIONS	GENERAL REDUCTIONS	0	0	0	(15,081)	
956	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED LOCATIONS	GENERAL REDUCTIONS	0	0	0	(15,081)	
957	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED LOCATIONS	GENERAL REDUCTIONS	0	0	0	(15,081)	

1/ Includes design of the following projects: $720,000.00 for Emergency Response Center, Ft. Leonard Wood, MO; $800,000.00 for HAVC for Army Intelligence Command Complex, Fort Meade, MD; $750,000.00 for Industrial Operations Facility, Tobyhanna Army Depot, PA.; $1.08 million for a consolidated Troop Medical/Dental Clinic, Ft. McPherson, Georgia; $900,000.00 for a Rail Spur, Ft. Campbell, KY.

2/ Includes design of the following projects: $5.1 million to provide nuclear capability to Naval Station, San Diego, CA; $3 million for Combined War Gaming/Library at the Naval College, Newport Rhode Island; $1.1 million for the Leonard Ranch Transfer Site, CA.

3/ Includes design of the following projects: $2 million for officer's housing at Los Angeles AFB, CA; $207,000.00 for Enlisted Housing Alterations at Vance AFB, OK; $495,000.00 for Squadron Operations Building, Altus AFB, OK.; $180,000.00 for KC-135 parking ramp, Malmstrom AFB, MT.

4/ Includes design of the following projects: $200,000.00 for economic feasibility study of renovation of Walter Reed Army Medical Center.

5/ Includes design of the following projects: $264,000.00 for Barracks and Classrooms, Oklahoma Military Academy, Oklahoma City, OK: $498,000.00, CH-47 maintenance hangar and parking, Lexington, OK.

6/ Includes design of the following projects: $1.5 million for Army Reserve Center, Las Vegas, NV.

7/ Includes the following family housing improvements: Fort Lee, Virginia: $2.1 million; Fort Richardson, Alaska: $4.4 million; Fort Wainwright, AK: $5.7 million.

8/ Includes the following family housing improvements: Kelly AFB, Texas: $1.149 million; Nellis AFB, NV: $15.1 million; Kirtland AFB, NM: $6.9 million.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Both the House bill and the Senate amendment contained numerous provisions that would address the process of closing domestic military installations after they have been approved for closure. The provisions also would assist communities that are adversely impacted by these actions to reorient their economies and to begin to recover from the loss of defense and related jobs and tax revenues.

Many provisions were meant to address the particular needs of individual communities, while others attempted to establish broad policy and authorities to deal with the challenge of community economic recovery. The lack of policy guidelines has resulted in unnecessarily slow community responses to the significant challenge of reorienting the economies of these communities. It has also resulted in diverse responses by the affected military services that have often complicated the communities' problems rather than facilitated solutions.

Announced during Senate and House consideration of the defense authorization bill, President Clinton's five point plan for community recovery has provided a framework to the conferees. In drawing the best ideas from the Senate and House bills and from communities and other affected interests, the conferees attempted to follow these basic principles:

Community economic redevelopment in the face of defense base or plant closures is a complex regional challenge which merits priority attention and a coordinated interagency response by the federal government.

The primary responsibility for shaping and implementing this redevelopment rests with the local community.

The real and personal property associated with closing military bases is an asset to the nation's citizens. Follow-on use by the military services must be based upon documented current or future need. Assets not needed for these purposes should be used to meet other governmental needs, with a high priority given to the redevelopment needs of local communities.

The base closure and community redevelopment process is an emotional process with many conflicting goals and requirements. These interests include environmental concerns, support of the shelter needs of the homeless, the chronic shortage of low and modest income housing, and the need for various forms of prisons and drug rehabilitation centers. Statutes advancing community redevelopment needs and community redevelopment plans must take all these interests into account, balancing these conflicts when they arise.

Inasmuch as the country's economic strength is a national security asset, assistance to affected communities to aid their economic redevelopment is a legitimate defense expense.

While each affected community faces unique challenges, all should be provided uniform access to assistance, consistent with the extent of the economic impact they experience.

The conferees believe that the provisions contained in title XXIX provide the statutory flexibility to achieve economic recovery in affected communities within this policy framework.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Congressional findings (sec. 2901)

The Senate amendment contained a provision (sec. 2902) that would express congressional findings related to the economic impact a base closure can have on a local community and the potential role of the federal government in helping the community redevelop the property.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify one of the findings.

Coordination of activities of other federal departments and agencies relating to installations to be closed (sec. 2901)

The Senate amendment contained a provision (sec. 2910) that would require the head of each federal department or agency with jurisdiction over any portion of the closure of a military installation to designate an individual to provide information and assistance to the installation's transition coordinator.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate the concepts contained in the Senate provision into another section of this act that would set forth congressional findings on the base closure process. The conferees believe that a point of contact at each involved federal agency would assist the communities involved in the redevelopment and reuse of closing bases.

Transfer of personal property at closing bases (sec. 2902)

The House bill contained a provision (sec. 2820) that would prohibit the Secretary of Defense from removing or disposing of any personal property at a closing military base until the Secretary approves an inventory of such property and the recognized community reuse group identifies items of use to the redevelopment of the closing military installation.

The Senate amendment contained a similar provision (sec. 2903).

The House recedes with an amendment that would direct the secretary of the military department to inventory a base's personal property within six months following the date a base is approved for closure. Following completion of the inventory, the secretary of the military department would be prohibited from removing personal property not needed for a military or other federal purpose until the local redevelopment authority had an opportunity to determine whether the personal property would be useful in the reuse of the base.

Authority to transfer property at closed installations to affected communities or states (sec. 2903)

The House bill contained a provision (sec. 2822) that would direct the Secretary of Defense to establish a pilot program to develop and evaluate the adequacy of economic revitalization criteria to govern the conveyance of certain surplus property at closed military installations, to local redevelopment authorities, in order to assist the surrounding communities recover from the closure of such bases. The program would also require the conveyance, at no cost, of all real and related personal property at certain closing installations to the local redevelopment authorities. The provision would require that pilot programs be conducted at the following installations: Naval Air Station Alameda, California; Naval Depot Alameda, California; Loring Air Force Base, Maine; Gentile Air Force Station, Ohio; and certain military facilities in Charleston, South Carolina.

The Senate amendment contained a provision (sec. 2904) that would allow the Secretary of Defense to transfer all or portions of a closing military base to a redevelopment authority, or other governmental entity, at reduced cost or no cost, for economic redevelopment purposes. In addition, the provision would direct the Secretary of Defense to issue implementing regulations.

The House recedes with an amendment that would broaden the scope of the Secretary's discretion to transfer property and that would provide special help for rural communities in facing their economic redevelopment challenges. the expanded provision recommended by the conferees would benefit not only the communities surrounding the installations included in the House provision, but all similarly situated communities.

The Secretary shall prescribe regulations to implement this provision that take into account criteria such as the economic impact of closure, the financial condition of the community, and the prospects for redevelopment when determining the consideration, if any, that the transferee will provide for the property. The conferees recommend that the Secretary consult with the Administrator of the Economic Development Administration when evaluating the economic impact of closure, and the redevelopment plan.

In addition, the conferees direct the Secretary to maintain a record of the justification for each transfer at below estimated fair market value.

Expedited determination of transferability of excess property of installations to be closed (sec. 2904)

The Senate amendment contained a provision (sec. 2907) that would direct the Secretary of Defense to identify the property excess to the requirements of the Department of Defense and other federal agencies within six months after the date a base is finally approved for closure.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Availability of property and services for assisting the homeless (sec. 2905)

The Senate amendment contained a provision (sec. 2908) that would amend section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) to provide concurrent screening of surplus real property made available by base closures or realignments for use by other federal agencies and for use to support the homeless under the provisions of the Stewart B. McKinney Homeless Assistance Act (section 11301 et seq., title 42, United States Code).

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the period of time in which the property at closing military installations is available for screening by homeless providers. The provision would allow the same time periods as provided by the McKinney Act for screening and application for use by the homeless. This period of availability would begin at the conclusion of the screening period to determine whether the Department of Defense or any other federal agency has a need for all or part of the property at the closing military installation. Following the time provided for screening by homeless providers and the federal government, the remaining property at closing installations would be available for one year to allow the communities and the local redevelopment authority to identify those portions of the closing military installation that are suitable for redevelopment and reuse.

Leasing of real property at closing installations (sec. 2906)

The House bill contained a provision (sec. 2817) that would authorize the secretary of a military department to lease property at an installation to be closed or realigned at less than fair market value if the Secretary determines that a public benefit would accrue as a result of the lease.

The Senate amendment contained a similar provision (sec. 2905).

The Senate recedes with a technical amendment.

The conferees are sensitive to several competing interests related to closing bases which have environmentally contaminated property. One interest is the remediation of the contamination on an expedited basis and reducing or eliminating any health hazards associated with the contamination so the property can be transferred from federal control. Another interest is the community's desire to generate new jobs, often using facilities located on environmentally contaminated parcels of land. If the lease is too short, redevelopment prospects would be discouraged from making the necessary capital investment.

The conferees are concerned that the lease of this property while necessary to economic redevelopment, not hinder the expeditious cleanup of the contaminated portions of closing bases. The conferees urge the Department of defense to work closely with the environmental Protection Agency and the appropriate state agencies to ensure that the lease of contaminated property is consistent with the protection of public health and safety, and the environment. The leases should be for the length of time necessary to foster redevelopment but not so long as to discourage the cleanup of the property as expeditiously as possible.

Authority to contract for certain functions at installations being closed or realigned (sec. 2907)

The House bill contained a provision (sec. 2812) that would amend section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-536) and the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) to authorize base commanders at closing bases to contract for services such as firefighting and guard services without cost comparison studies.

The Senate amendment contained two similar provisions (secs. 2916 and 2919).

The conferees agree to delete Senate section 2916 and House section 2812. The House recedes to Senate section 2919 which would incorporate the intent of the two deleted provisions.

Authority to transfer property at military installations to be closed to persons conducting environmental restoration activies at the installation (sec. 2908)

The House bill contained a provision (sec. 2816) that would and section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526) and section 2905 of the Defense Base Realignment and Closure Act of 1990 (Public Law 101-510) to authorize the Secretary of Defense to transfer real property or facilities, without reimbursement, at a closed military installation to any person who agrees to conduct all environmental restoration, waste management, and environmental compliance required under federal and state laws, and pay all the associated costs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require agreements entered into under this authority to be made pursuant to regulations issued by the Secretary. In addition, the indemnification authority provided by section 330 of the National Defense Authorization Act for Fiscal Year 1993 would not be available for any transfers made pursuant to this section.

Availability of surplus military equipment (sec. 2909)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of Defense 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 communities' economic development efforts, and if such equipment does not have an alternative military use. The communities need not have been affected by the base closure process that began in 1988.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that the Secretary of Defense ought to provide surplus military equipment on a priority basis to U.S. communities that have suffered economic hardship from the closure of military bases, whether or not these closures occurred under the authorities of the Defense Base Closure Act of 1988 or 1990.

Identification of uncontaminated property at installations to be closed (sec. 2910)

The Senate amendment contained a provision (sec. 2913) that would direct the Secretary of Defense to expedite the identification of the clean portions of closing bases pursuant to the Community Environmental Response Facilitation Act of 1992. The provision also would require the Secretary to give preference to parcels where a reuse plan has been identified.

The House bill contained no similar provision.

The House recedes with an amendment that would direct expedited parcel identification to the maximum extent possible. The conferees expect the Secretary of Defense to announce the availability of uncontaminated parcels of land as soon as they have been identified, and not delay such announcements until all parcels on an installation or within a closure package are identified.

Compliance with certain environmental requirements relating to closure of installations (sec. 2911)

The Senate amendment contained a provision (sec. 2915) that would direct the Secretary of Defense to: (1) complete any necessary environmental impact statements within 12 months from the date a base closure community submits a single, final, redevelopment plan; and (2) base such an environmental impact statement on the final reuse plan prepared by the local community.

The House bill contained no similar provision.

The House recedes.

Preference for local and small businesses (sec. 2912)

The House bill contained a provision (sec. 2821) that would authorize the Secretary of Defense to give preference to qualified businesses and small business concerns located in the vicinity of a closing military installation when awarding contracts for environmental restoration and mitigation at a military installation to be closed or realigned.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the coverage to small and disadvantaged businesses.

Assistance to affected states and communities through the Office of Economic Adjustment (sec. 2913)

The Senate amendment contained a provision (sec. 2912) that would authorize the Secretary of Defense, through the Office of Economic Adjustment, to make planning grants to local reuse authorities to support development and implementation of reuse plans. In addition, this provision would require that all grant applications be acted upon within seven days after the date they are received.

The House bill contained a similar provision (sec. 1321)

The House recedes with an amendment that would clarify that the time for consideration of applications for planning grants is seven days, and the time for consideration of applications for assistance for community adjustments and economic diversification is 30 days.

Clarification of utilization of funds for community economic adjustment assistance (sec. 2914)

The Senate amendment contained a provision (sec. 2917) that would clarify that up to three percent of the funds made available to the Economic Development Administration for economic adjustment assistance pursuant to section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) could be used for administrative purposes.

The House bill contained no similar provision.

The House recedes.

Transition coordinates for assistance to communities affected by the closure of installations (sec. 2915)

The Senate amendment contained a provision (sec. 2909) that would direct the Secretary of Defense to appoint an on-site transition coordinator for each closing installation. This coordinator would serve as a single point of contact for all federal base disposal, cleanup, and reuse activities, and would chair the base property disposal, cleanup, and disposal team.

The House bill contained no similar provision.

The House recedes.

Sense of Congress on seminars on reuse or redevelopment of property at installations to be closed (sec. 2916)

The Senate amendment contained a provision (sec. 2914) that would direct the Secretary to conduct seminars in communities in which a military installation to be closed or realigned is located. The seminars would present information on the various federal programs that are available to help the communities adjust to the loss of a base.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that the Secretary of Defense should conduct such seminars so that the communities are fully aware of the federal assistance that is available to them, such as job placement assistance.

Feasibility study to guarantee assistance to adversely affected communities (sec. 2917)

The House bill contained a provision (sec. 1321(c)) that would direct the Secretary of Defense to study the feasibility of assisting local communities recovering from the adverse economic impact of the closure or

major realignment of a military installation by reserving 10 percent of the total projected savings, realized in the first 10 years after closure, to be used for community assistance grants.

The Senate amendment contained no similar provision.

The Senate recedes.

Military base closure and realignment definitions (sec. 2918)

The Senate amendment contained a provision (sec. 2918) that would define certain terms and phrases relating to military base closures and realignments.

The House bill contained no similar provision.

The House recedes with an amendment that would provide additional relevant definitions.

Base closure account management flexibility (sec. 2921)

The House bill contained a provision (sec. 2811) that would amend section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-256) and section 2906 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to authorize the merger of the 1988 base closure and realignment (BRAC) account with the 1990 BRAC account when the 1988 account expires. The provision also includes a technical correction that would extend the life of the 1990 BRAC account to coincide with the expiration of the Secretary of Defense's authority to carry out a closure or realignment under the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation of expenditure of funds from the Defense Base Closure Account 1990 for military construction in support of transfers of functions (sec. 2922)

The Senate amendment contained a provision (sec. 2813) that would preclude the Secretary of Defense from using Base Closure Account 1990 funds for the construction of facilities that will support the relocation of activities from installations approved for closure or realignment under the Defense Base Closure Act of 1990, if the sites that are to receive such activities differ from those the Secretary documents as part of his justification for such closure and realignment recommendations to the Defense Base Closure and Realignment Commission. If the Secretary decides to alter the planned relocation of such activities, he would have to notify the Committees on Armed Services of the Senate and the House of Representatives of the new location and rationale for the change.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the waiver of any related legislation.

Modification of requirement for reports on activities of the Defense Base Closure Account 1990 (sec. 2923)

The Senate amendment contained a provision (sec. 2811) that would amend the content of the annual report of receipts and expenditures of the Department of Defense Base Closure Account 1990 contained in section 2906 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510). The provision would require the Department of Defense to report to the congressional defense committees the overall spending and funding information for the report year by military service, and specific construction project data related to each military installation affected by these closures and realignments.

The House bill contained no similar provision.

The House recedes.

Additional report on residual value of overseas military installations that are closed (sec. 2924)

The Senate amendment contained a provision (sec. 2815) that would amend the annual report requirement regarding overseas military bases contained in section 1304 of the National Defense Authorization Act for Fiscal Year 1993 to include additional site specific data. After this report is published, the Comptroller General shall report to the Committees on Armed Services of the Senate and the House of Representatives on the overall accuracy of the Department of Defense report.

The House bill contained no similar provision.

The House recedes.

Sense of Congress on development of base closure criteria (sec. 2925)

The Senate amendment contained a provision (sec. 2812) that would direct the Secretary of Defense to consider, in proposing criteria to be used in selecting military bases for closure and realignment under the Defense Base Closure and Realignment Act of 1990, the direct costs of such closure or realignment actions to other federal government agencies and to estimate to the extent possible, similar state and local government costs.

The House amendment contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that the Secretary of Defense should consider, to the extent feasible, the direct costs of base closures and realignments on state and local government and other federal agencies.

Modification of procedure for making recommendations for base closures and realignments (sec. 2926)

The conferees agree to a provision that would amend subsection (c)(1) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-150). The amendment would change the deadline from March 15, 1995 to March 1, 1995, when the Secretary of Defense must transmit to the Defense Base Closure and Realignment Commission and the Congress the list of military installation inside the United States that the Secretary would recommend for closure or realignment.

Not later than seven days after transmittal, the Secretary would be required to submit to Congress a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation. The amendment would further provide that any information provided to the Commission by the Secretary must also be submitted to Congress within 24 hours.

If the Commission proposes changes in the recommendations submitted by the Secretary of Defense, such changes would have to be published in the Federal Register not less than 45 days before the Commission transmits its recommendations to the President on July 1.

Public purpose extensions (sec. 2927)

The House bill contained a provision (sec. 1050) that would amend section 203 of the Federal Property and Administrative Services Act of 1949 (section 484 of title 40, United States Code). This provision would authorize the Secretary of Transportation, after consultation with the Secretary of Defense and the General Services Administrator, to convey, at no cost, surplus real property (including buildings, fixtures, and equipment) located on closing military installations to state and local governments, political subdivisions, U.S. territories, and the District of Columbia for the development or operation of a port facility.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority regarding financial institution on closed military installations to include all depository institutions (sec. 2928)

The House bill contained a provision (sec. 2815) that would amend section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to expand its applicability to all depository institutions, and to provide the right of first refusal to purchase facilities the depository institutions had constructed or significantly modified.

The Senate amendment contained no similar provision.

The Senate recedes.

Electric power allocation and economic development at certain military installations to be closed in the states of California (sec. 2929)

The House bill contained a provision (sec. 2818) that would require, for a 10-year period beginning on the date of the enactment of this act, electric power allocations provided by the Western Area Power Administration (WAPA) from the Central Valley Project (CVP) to closing military installations in California to be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or slated for closure.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow any power not disposed of under this provision to be made available, on a temporary basis during the 10-year reservation period, to military installations in the state of California. The amendment would further provide that the Secretary of Energy, in consultation with the Secretary of Defense, shall submit to Congress a report with recommendations regarding the disposition of electric power allocations provided by the Federal Power Marketing Administration to other military installations closed or approved for closure. The report shall consider the option of using such power to promote economic development at closed military installations.

Testimony before the Defense Base Closure and Realignment Commission (sec. 2930)

The House bill contained a provision (sec. 2814) that would require that all testimony before the Base Closure and Realignment Commission be given under oath.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Consideration of local and regional economic needs as part of the disposition of real property and facilities under base closure laws

The House bill contained a provision (sec. 1324) that would encourage the Secretary of Defense to consider local and regional economic needs in the disposition of real property under the Base Closure Acts of 1988 and

1990. In addition, the provision would require the Secretary to employ a specific set of criteria in evaluating the adequacy of local redevelopment plans.

The Senate amendment contained no similar provision.

The Senate recedes by incorporating the objective of the House provision within the real property disposal provision in title XXIX of this act. While the conferees declined to mandate criteria by which the Secretary should evaluate local economic development plans, they believe that the Secretary should carefully consider the factors contained in the House provision (e.g. the severity of the direct and indirect dislocation to the local economy and tax base, the potential for job creation, and the timeliness of a plan's mitigation efforts.).

Expansion of base closure law to include consideration of military installations outside the United States for closure and realignment

The House bill contained a provision (sec. 2819) that would amend the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101-510) to require the Secretary of Defense and the Defense Base Closure and Realignment Commission (BRAC) to include recommendations for the termination and reduction of military operations carried out by the United States at military installations outside the United States. The provision would further provide that, unless 25 percent of the bases recommended for closure by BRAC in 1995 are installations located outside the United States, no bases would be closed in 1995.

The Senate amendment contained no similar provision.

The House recedes.

The conferees urge the Secretary of Defense to continue to reduce the overseas base structure as much and as quickly as possible.

Base disposal management cooperative agreement

The House bill contained a provision (sec. 2823) that would authorize the Secretary of Defense, in consultation with affected local communities, to select from one to 10 site managers to assist the Secretary in managing various activities associated with the closure or realignment of a military installation.

The Senate amendment contained no similar provision.

The House recedes.

Justification of recommendations for closure or realignment of installations previously considered for closure or realignment

The Senate amendment contained a provision (sec. 2816) that would specify additional rationale by which the Secretary would justify the recommended closure or realignment of a military installation whose closure or realignment has been previously recommended by the Secretary of Defense, but rejected by a previous Defense Base Closure and Realignment Commission.

The House bill contained no similar provision.

The Senate recedes.

Reports on costs of the closure or realignment of military installations

The Senate amendment contained a provision (sec. 2818) that would require the Secretary of Defense to submit a report to the congressional defense committees on the estimated costs of activities related to the closure or realignment of major installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990. The provision would also provide additional cost monitoring in those cases in which the net closure costs exceed by 50 percent the estimate used to initially justify such a closure or realignment.

The House bill contained no similar provision.

The Senate recedes.

Consultation requirement for local reuse authorities and governments

The Senate amendment contained a provision (sec. 2819) that would amend section 2907 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) by requiring the local reuse authorities or local governments to submit a certification to the Secretary of Defense that DOD civilian employees, regional and local chambers of commerce, and appropriate representatives of governmental entities in the impacted region have been consulted regarding the plan for reutilization or redevelopment of a military installation approved for closure.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that local reuse authorities should be constituted and consult with the widest possible spectrum of groups who are affected by base closures or realignments, or who have an interest in reuse. Such development authorities should consult with the impacted regional political subdivisions, groups representing the housing needs of the homeless and low/moderate income residents, and other social organizations. The conferees believe that, because the closing military installations were developed with federal resources, they should be reused to further compatible federal goals to the maximum extent possible.

Delegation of authority to enter into leases of certain property

The Senate amendment contained a provision (sec. 2906) that would direct the Secretary of each military service to delegate the authority to lease base closure property that would be provided in section 2905 of the Senate amendment to the heads of the field installation level, such as base commanders.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that recent DOD policy requiring the approval of the Deputy Secretary of Defense of leases associated with closing bases has been rescinded. The underlying lease authority rests with the secretaries of the military services. The conferees encourage the delegation of this authority to the level of command that can best respond to local redevelopment needs and still exercise prudent and consistent stewardship over these public assets.

Community response board

The Senate amendment contained a provision (sec. 2911) that would require the Secretary of Defense to establish a community response board with respect to the closure of military installations. The board would meet three times a year to receive comments from base redevelopment authorities, propose possible solutions to any problems encountered in the reuse plan, and report to the President any comments and solutions the board has proposed.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the Department of Defense should establish a forum or process, involving all relevant federal agencies, where local communities and redevelopment authorities can raise problems that they encounter as they work to redevelop and reuse the closing bases. This process should provide a mechanism for identifying and correcting systemic and unique problems with the redevelopment and reuse process. The conferees also expect such a process to identify suggestions for legislative initiatives that would amend the statutes governing the redevelopment and reuse of the closing bases.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A of Title XXXI of Division C of the House bill would authorize appropriations for the Department of Energy national security programs in the amount of $11.0 billion.

Subtitle A of Title XXXI of Division C of the Senate amendment would authorize appropriations in the amount of $11.3 billion for these purposes.

The conferees recommend an authorization of $10.9 billion.

The budget request, the authorizations contained in the House bill and the Senate amendment, and the conference agreement are presented in the following tables.

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Summary					
Weapons Activities	3,770.965	3,597.965	3,697.582	−175.767	3,595.198
Operating Expenses	3,768.954	3,662.954	3,735.571	−126.657	3,642.297
Construction	232.618	232.618	232.618	−4.110	228.508
Capital Equipment	123.034	123.034	123.034	−5.000	118.034
Adjustments	−353.641	−420.641	−393.641	−40.000	−393.641
Defense Environmental Restoration & Waste Mgmt.	5,465.877	5,253.377	5,301.232	−284.022	5,181.855
Operating Expenses	4,832.213	4,832.213	4,782.213	86.665	4,918.878
Construction	516.438	516.438	401.793	−90.687	425.751
Capital Equipment	203.826	203.826	203.826		203.826
Adjustments	−86.600	−299.100	−86.600	−280.000	−366.600
Materials Support & Other Defense Programs	2,164.185	2,059.185	2,114.185	−200.430	1,963.755
Operating Expenses	2,221.039	2,226.039	2,171.039	−38.724	2,182.315
Construction	194.445	194.445	194.445	−16.560	177.885
Capital Equipment	141.833	141.833	141.833	−10.209	131.624
Adjustments	−393.132	−503.132	−393.132	−134.937	−528.069
Defense Nuclear Waste Disposal	120.000	120.000	120.000		120.000
Operating Expenses	120.000	120.000	120.000		120.000
New Tritium Production and Plutonium Disposition			40.000		
Operating Expenses			40.000		
Total, DOE Defense Activities	11,521.027	11,030.527	11,272.999	−660.219	10,860.808
Operating Expenses	10,942.206	10,841.206	10,848.823	−78.716	10,863.490
Construction	943.501	943.501	828.856	−111.357	832.144
Capital Equipment	468.693	468.693	468.693	−15.209	453.484
Adjustments	−833.373	−1,222.873	−873.373	−454.937	−1,288.310

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Weapons Activities					
Operating Expenses					
Research and Development	1,119.325	1,119.325	1,152.325	10.000	1,129.325
Technology Transfer	[203.000]		[243.000]		[223.000]
Testing	428.383	222.383	375.000	−211.057	217.326
Stockpile Stewardship		100.000		157.400	157.400
Stockpile Support	1,802.280	1,802.280	1,792.280	−10.000	1,792.280
Program Direction	280.466	280.466	277.466	−103.000	177.466
Complex Reconfiguration	138.500	138.500	138.500	30.000	168.500
New Tritium Production/Plutonium Disposition				[30.000]	[30.000]
Total, Operating Expenses	3,768.954	3,662.954	3,735.571	−126.657	3,642.297
Construction					
Research and Development					
GPD−101, general plant projects, various locations	11.500	11.500	11.500		11.500
94−D−102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations	11.110	11.110	11.110	−7.110	4.000
92−D−102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations	27.479	27 479	27.479		27 479
90−D−102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations	30.805	30.805	30.805		30.805
88−D−104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico					

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations	39.624	39.624	39.624		39.624
Total, Research and Development	120.518	120.518	120.518	-7.110	113.408
Testing					
GPD-101, general plant projects, various locations	5.000	5.000	5.000		5.000
93-D-102, Nevada support facility, North Las Vegas, Nevada	4.000	4.000	4.000		4.000
85-D-105, combined device assembly facility, Nevada Test Site, Nevada					
Total, Testing	9.000	9.000	9.000		9.000
Stockpile Support					
GPD-121, general plant projects, various locations	7.700	7.700	7.700		7.700
94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee	5.000	5.000	5.000		5.000
94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri	1.000	1.000	1.000		1.000
94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas	1.000	1.000	1.000		1.000
94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas	0.800	0.800	0.800		0.800
93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee	5.000	5.000	5.000		5.000

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
92−D−122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado					
92−D−123, plant fire/security alarm system replacement, Rocky Flats Plant, Golden, Colorado					
92−D−126, replace emergency notification systems, various locations	10.500	10.500	10.500		10 500
91−D−127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado					
90−D−126, environmental, safety, and health enhancements, various locations					
88−D−122, facilities capability assurance program (FCAP), various locations	27.100	27.100	27.100		27 100
88−D−123, security enhancement, Pantex Plant, Amarillo, Texas	20.000	20.000	20.000		20.000
86−D−130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina					
85−D−121, air and water pollution control facilities, Y−12 Plant, Oak Ridge, Tennessee				3 000	3 000
Total, Stockpile Support	78.100	78.100	78.100	3 000	81 100
Complex Reconfiguration					
93−D−123, Complex−21, various locations	25.000	25.000	25.000		25.000
Total, Construction	232.618	232.618	232.618	−4.110	228.508

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Capital Equipment					
Research and Development	82.879	82.879	82.879		82.879
Testing	24.400	24.400	24.400	−5.000	19.400
Stockpile Support	12.136	12.136	12.136		12.136
Program Direction	3.619	3.619	3.619		3.619
Total, Capital Equipment	123.034	123.034	123.034	−5.000	118.034
Adjustments					
Anticipated Savings			−40.000		
Contractor Employment Transition				100.000	100.000
Use of prior year balances	−353.641	−400.641	−353.641	−90.000	−443.641
Salary Reduction				−50.000	−50.000
General Reduction		−20.000			
Total, Adjustments	−353.641	−420.641	−393.641	−40.000	−393.641
Total, Weapons Activities	3,770.965	3,597.965	3,697.582	−175.767	3,595.198

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Defense Environmental Restoration & Waste Mgmt.					
Operating Expenses					
Corrective Activities					
Environment					
Defense Programs					
Undesignated	2.170	2.170	2.170		2.170
Environmental Restoration	1,536.027	1,536.027	1,536.027		1,536.027
Waste Management	2,275.441	2,275.441	2,275.441	86.665	2,362.106
Technology Development	371.150	371.150	361.150		371.150
Transportation Management	19.730	19.730	19.730		19.730
Program Direction	82.427	82.427	82.427		82.427
Facility Transition	545.268	545.268	545.268		545.268
General Reduction			−40.000		
Total, Operating Expenses	4,832.213	4,832.213	4,782.213	86.665	4,918.878
Construction					
Corrective Activities					
GPD−171, general plant projects					
Environment, various locations					
Defense, various locations					
92−D−402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, Livermore, California					
92−D−403, tank upgrade project, Lawrence Livermore National Laboratory, California	3.888	3.888	3.888		3.888
90−D−103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, California					

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Total, Corrective Activities	3.888	3.888	3.888		3.888
Waste Management					
GPD−171, general plant projects, various locations	29.794	29.794	29.794	−0.835	28.959
94−D−400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico	1.000	1.000	1.000		1.000
94−D−402, liquid waste treatment system, Nevada Test Site, Nevada	0.491	0.491	0.491	1.623	2.114
94−D−404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee	9.400	9.400	9.400		9.400
94−D−405, central neutralization facility pipeline extension project, K−25, Oak Ridge, Tennessee	1.714	1.714	1.714		1.714
94−D−406, low−level waste disposal facilities, K−25, Oak Ridge, Tennessee	6.000	6.000	6.000		6 000
94−D−407, initial tank retrieval systems, Richland, Washington	7.000	7.000	7.000		7.000
94−D−408, office facilities − 200 East, Richland, Washington	1.200	1.200	1.200		1 200
94−D−411, solid waste operation complex, Richland, Washington	7.100	7.100	7.100		7 100

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
94−D−414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California	0.370	0.370	0.370		0.370
94−D−416, solvent storage tanks installation, Savannah River, South Carolina	1.500	1.500	1.500		1.500
94−D−417, intermediate level and low activity waste vaults, Savannah River Site, Aiken, South Carolina	1.000	1.000	1.000	−1.000	
93−D−172, electrical upgrade, Idaho National Engineering Laboratory, Idaho					
93−D−174, plant drain waste water treatment upgrades, Y−12 Plant, Oak Ridge, Tennessee	3.500	3.500	3.500		3.500
93−D−175, industrial waste compaction facility, Y−12 Plant, Oak Ridge, Tennessee	1.800	1.800	1.800		1.800
93−D−176, Oak Ridge reservation storage facility, Oak Ridge, Tennessee	6.039	6.039	6.039		6.039
93−D−177, disposal of K−1515 sanitary water treatment plant waste, K−25, Oak Ridge, Tennessee	7.100	7 100	7.100		7.100
93−D−178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado	1.000	1.000	1.000		1.000
93−D−180, environmental monitoring−RCRA groundwater monitoring installation, Richland, Washington					
93 D 181, radioactive liquid waste line replacement, Richland, Washington	6.700	6.700	6.000	−0.700	6.000

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
93−D−182, replacement of cross−site transfer system, Richland, Washington	6.500	6.500	6.500		6.500
93−D−183, multi−tank waste remediation facility, Richland, Washington	52.615	52.615	25.660	−6.955	45.660
93−D−184, 325 facility compliance/renovation, Richland, Washington					
93−D−185, landlord program safety compliance, Phase II, Richland, Washington					
93−D−186, 200 area unsecured core area fabrication shop, Richland, Washington					
93−D−187, high−level waste removal from filled waste tanks, Savannah River, South Carolina	13.230	13.230	13.230	−10.230	3.000
93−D−188, new sanitary landfill, Savannah River, South Carolina	1.020	1.020	1.020		1.020
92−D−171, mixed waste receiving and storage, Los Alamos National Laboratory, Los Alamos, New Mexico					
92−D−172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas	0.300	0.300	0.300		0.300
92−D−173, NO_x abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho	10.000	10.000	10.000		10.000

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
92−D−177, tank 101−AZ waste retrieval system, Richland, Washington	7.000	7.000	7.000		7.000
92−D−180, inter−area line upgrade, Savannah River, Aiken, South Carolina					
92−D−181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho					
92−D−182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho					
92−D−183, transportation complex, Idaho National Engineering Laboratory, Idaho					
92−D−184, Hanford infrastructure underground storage tanks, Richland, Washington					
92−D−185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington					
92−D−187, 300 area electrical distribution conversion and safety improvements, Phase II, Richland, Washington					
92−D−188, waste management environment, safety and health (ES&H), and compliance activities, various locations	8.568	8.568	8.568		8.568
91−D−171, waste receiving and processing facility, module 1, Richland, Washington	17.700	17.700	17.700		17.700

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
91−D−172, high−level waste tank farm replacement Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho					
91−D−173, hazardous low−level waste processing tanks, Savannah River, South Carolina					
91−D−175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington					
90−D−172, aging waste transfer line, Richland, Washington	5.600	5.600	5.000	−0.600	5.000
90−D−174, decontamination laundry facility, Richland, Washington					
90−D−175, landlord program safety compliance−I, Richland, Washington					
90−D−176, transuranic (TRU) waste facility, Savannah River, South Carolina					
90−D−177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho	21.700	21.700	21.700		21.700
89−D−122, production waste storage facilities, Y−12 Plant, Oak Ridge, Tennessee					
89−D−172, Hanford environmental compliance, Richland, Washington	11.700	11.700	11.700		11.700

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
89-D-173, tank farm ventilation upgrade, Richland, Washington	1.800	1.800	1.000	−0.800	1.000
89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina	23.974	23.974	23.974	−11.000	12.974
89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina	7.000	7.000	7.000	−7.000	
88-D-173, Hanford waste vitrification plant, Richland, Washington	85.000	85.000		−45.000	40.000
87-D-180, burial ground expansion, Savannah River, South Carolina					
87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina	2.137	2.137	2.137		2.137
86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California	10.260	10.260	10.260		10.260
83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina	9.769	9.769	9.769	−7.600	2.169
81-T-105, defense waste processing facility, Savannah River, South Carolina	43.873	43.873	43.873		43.873
Total, Waste Management	432.454	432.454	318.399	−90.097	342.357
Technology Development					
91-EM-100, environmental and molecular sciences laboratory, Richland, Washington					

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Facility Transition & Management					
GPD−171, general plant projects, various locations	19.221	19.221	19.221		19.221
94−D−122, underground storage tanks, Rocky Flats, Colorado	0.700	0.700	0.700		0.700
94−D−401, emergency response facility, Idaho National Engineering Laboratory, Idaho	1.190	1.190	0.600	−0.590	0.600
94−D−412, 300 area process sewer piping upgrade Richland, Washington	1.100	1.100	1.100		1.100
94−D−415, medical facilities, Idaho National Engineering Laboratory, Idaho	1.110	1.110	1.110		1.110
94−D−451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado	6.600	6.600	6.600		6.600
93−D−172, electrical upgrade, Idaho National Engineering Laboratory, Idaho	9.600	9.600	9.600		9.600
93−D−184, 325 facility compliance/renovation, Pacific Northwest Laboratory, Richland, Washington	3.500	3.500	3.500		3.500
93−D−185, landlord program safety compliance, Phase II, Richland, Washington	1.351	1.351	1.351		1.351
92−D−125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado	3.900	3.900	3.900		3.900

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
92−D−181, fire and safety improvements, Idaho National Engineering Laboratory, Idaho	5.000	5.000	5.000		5.000
92−D−182, sewer systems upgrade, Idaho National Engineering Laboratory, Idaho	1.450	1.450	1.450		1.450
92−D−183, transportation complex, Idaho National Engineering Laboratory, Idaho	7.198	7.198	7.198		7.198
92−D−184, Hanford infrastructure underground storage tanks, Richland, Washington	0.300	0.300	0.300		0.300
92−D−186, steam system rehabilitation, Phase II, Richland, Washington	4.300	4.300	4.300		4.300
92−D−187, 300 area electrical distribution conversion and safety improvements, Phase II, Richland, Washington	10.276	10.276	10.276		10.276
91−D−175, 300 area electrical distribution conversion and safety improvements, Phase I, Richland, Washington	1.500	1.500	1.500		1.500
90−D−175, landlord program safety compliance, Phase I, Richland, Washington	1.800	1.800	1.800		1.800
Total, Facility Transition & Management	80.096	80.096	79.506	−0.590	79.506
Total, Construction	516.438	516.438	401.793	−90.687	425.751

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Capital Equipment					
Corrective Activities					
Environment					
Defense Programs					
Undesignated	0.600	0.600	0.600		0.600
Waste Management	138.781	138.781	138.781		138.781
Technology Development	29.850	29.850	29.850		29.850
Transportation Management	0.400	0.400	0.400		0.400
Program direction	9.469	9.469	9.469		9.469
Facility Transition & Management	24.726	24.726	24.726		24.726
Total, Capital Equipment	203.826	203.826	203.826		203.826
Adjustments					
General Reduction		−125.000		−280.000	−280.000
Use of prior year balances	−86.600	−174.100	−86.600		−86.600
Total, Adjustments	−86.600	−299.100	−86.600	−280.000	−366.600
Total, Defense Environmental Restoration & Waste	5,465.877	5,253.377	5,301.232	−284.022	5,181.855

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Materials Support & Other Defense Programs					
Operating Expenses					
Materials Support					
Reactor operations	168.495	168.495	168.495		168.495
Processing of nuclear materials	387.628	387.628	387.628		387.628
Supporting services	282.073	282.073	282.073	−22.073	260.000
Program direction	62.970	62.970	15.770	−5.970	57.000
Total, Materials Support	901.166	901.166	853.966	−28.043	873.123
Verification and Control Technology	344.741	349.741	341.941	−2.800	341.941
Nuclear Safeguards and Security	86.246	86.246	86.246	−3.546	82.700
Security Investigations	53.335	53.335	53.335	−4.335	49.000
Office of Security Evaluations	14.961	14.961	14.961		14.961
Office of Nuclear Safety	24.859	24.859	24.859		24.859
Worker Training and Adjustment	100.000	100.000	100.000		100.000
New Production Reactors					
Naval Reactors					
Plant development	124.900	124.900	124.900		124.900
Reactor development	316.531	316.531	316.531		316.531
Reactor operation and evaluation	166.000	166.000	166.000		166.000
Program direction	18.300	18.300	18.300		18.300
Enrichment materials	70.000	70.000	70.000		70.000
Total, Naval Reactors	695.731	695.731	695.731		695.731
Total, Operating Expenses	2,221.039	2,226.039	2,171.039	−38.724	2,182.315
Construction					
Materials Support					
GPD−146, general plant projects, various locations	31.760	31.760	31.760	−8.760	23.000

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
93−D−147, domestic water system upgrade, Phase I & II, Savannah River, South Carolina	7.720	7.720	7.720		7.720
93−D−148, replace high−level drain lines, Savannah River, South Carolina	1.800	1.800	1.800		1.800
93−D−152, environmental modification for production facilities, Savannah River, South Carolina	20.000	20.000	20.000		20.000
93−D−153, uranium recovery hydrogen fluoride system upgrade, Y−12 Plant, Oak Ridge, Tennessee					
92−D−140, F & H canyon exhaust upgrades, Savannah River, South Carolina	15.000	15.000	15.000		15.000
92−D−141, reactor seismic improvements, Savannah River, South Carolina					
92−D−142, nuclear material processing training center, Savannah River, South Carolina	8.900	8.900	8.900		8.900
92−D−143, health protection instrument calibration facility, Savannah River, South Carolina	9.600	9.600	9.600		9.600
92−D−150 operations support facilities, Savannah River, South Carolina	26.900	26.900	26.900		26.900
92−D−153, engineering support facility, Savannah River, South Carolina	9.500	9.500	9.500		9.500

69-050 O—97 Vol. 139 (Pt. 20) 21

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
90–D–141, Idaho Chemical Processing Plant (ICPP) fire protection, Idaho National Engineering Laboratory, Idaho					
90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina	25.950	25.950	25.950		25.950
90–D–150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina					
89–D–140, additional separations safeguards, Savannah River, South Carolina					
89–D–148, improved reactor confinement system, Savannah River, South Carolina					
86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations	3.700	3.700	3.700		3.700
86–D–152, reactor electrical distribution system, Savannah River, South Carolina					
85–D–145, fuel production facility, Savannah River, South Carolina					
Total, Materials Support	160.830	160.830	160.830	−8.760	152.070
Verification and control technology					
90–D–186 center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico	8.515	8.515	8.515		8.515
Total, Verification and control technology	8.515	8.515	8.515		8.515

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Nuclear Safeguards and Security					
GPD−186, general plant projects, Central Training Academy, Albuquerque, New Mexico					
Total, Nuclear Safeguards and Security					
Total, New Production Reactors					
Naval Reactors					
GPN−101, general plant projects, various locations	7.500	7.500	7.500		7.500
93−D−200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York	7.000	7.000	7.000		7.000
92−D−200, laboratories facilities upgrades, various locations	2.800	2.800	2.800		2.800
90−N−102, expended core facility dry cell project, Naval Reactors Facility, Idaho	7.800	7.800	7.800	−7.800	
90−N−103, advanced test reactor off−gas treatment system, Idaho National Engineering Laboratory, Idaho					
90−N−104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York					
Total, Naval Reactors	25.100	25.100	25.100	−7.800	17.300
Total, Construction	194.445	194.445	194.445	−16.560	177.885

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/− Request	FY 1994 Conference Authorization
Capital Equipment					
Materials Support	75.209	75.209	75.209	−10.209	65.000
Verification and control technology	15.573	15.573	15.573		15.573
Nuclear Safeguards and Security	4.101	4.101	4.101		4.101
Office of Nuclear Safety	0.050	0.050	0.050		0.050
New Production Reactors					
Naval Reactors	46.900	46.900	46.900		46.900
Total, Capital Equipment	141.833	141.833	141.833	−10.209	131.624
Adjustments					
Education programs	58.000	58.000	58.000	−58.000	
Savannah River Pension Refund	−100.000	−100.000	−100.000		−100.000
Anticipated Savings (materials support)					
Salary Reduction				−18.937	−18.937
Use of prior year balances	−351.132	−351.132	−351.132	−58.000	−409.132
General reduction (materials support)		−110.000			
Total, Adjustments	−393.132	−503.132	−393.132	−134.937	−528.069
Total, Materials Support & Other Defense Programs	2,164.185	2,059.185	2,114.185	−200.430	1,963.755
Defense Nuclear Waste Disposal					
Operating Expenses	120.000	120.000	120.000		120.000
New Tritium Production and Plutonium Disposition			40.000		
Operating Expenses			83.000		
Use of Prior Year Balances			−43.000		

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Weapons activities (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $3.598 billion for operating expenses, plant projects, and capital equipment for weapons activities necessary to carry out the Department of Energy national security programs.

The Senate amendment contained a provision (sec. 3101) that would authorize $3.698 billion.

The conferees recommend $3.595 billion for weapons activities.

Environmental restoration and waste management (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize $5.253 billion for operating expenses, plant projects, and capital equipment for defense environmental restoration and waste management activities.

The Senate amendment contained a provision (sec. 3103) that would authorize $5.301 billion.

The conferees recommend $5.182 billion for defense environmental restoration and waste management activities.

Nuclear materials support and other defense programs (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize $2.059 billion for operating expenses, plant projects, and capital equipment for nuclear materials support and other defense programs.

The Senate amendment contained a provision (sec. 3104) that would authorize $2.114 billion.

The conferees recommend $1.964 billion for nuclear materials support and other defense programs.

Defense nuclear waste disposal (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize $120.0 million for operating expenses incurred in carrying out the nuclear waste fund program.

The Senate amendment contained a provision (sec. 3105) that would authorize $120.0 million for payment to the nuclear waste fund.

The conferees recommend $120.0 million for payment to the nuclear waste fund.

Economic adjustment assistance (sec. 3102)

The House bill contained a provision (sec. 3103(e)) that would provide that $6.0 million of the funds available for worker training and adjustment pursuant to section 3103(a)(7) of the House bill would be available for economic assistance and development funding for local counties containing the Department of Energy Savannah River Site property. To the extent practicable, the amount of assistance would be distributed as follows: (1) $1.0 million to plan community adjustments and economic diversification; and (2) $5.0 million to carry out a community adjustment and economic diversification program.

The Senate amendment contained no similar provision.

The Senate recedes.

Technology transfer funds at the Savannah River Site (sec. 3103)

The House bill contained a provision (sec. 3103(f)) that would authorize $4.0 million of the funds authorized pursuant to sections 3101 (research and development) and section 3103 (nuclear materials support and other defense programs) for technology transfer activities at the Department of Energy Savannah River Site.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $4.0 million from the funds authorized pursuant to section 3103(a)(1) (nuclear materials support) of this act to be used for technology transfer activities at the Savannah River Site.

Reprogramming (sec. 3121)

The House bill contained a provision (sec. 3121) that would set forth requirements and limitations on Department of Energy reprogramming actions.

The Senate amendment contained an identical provision (sec. 3121).

The Armed Services Committees of the Senate and House of Representatives received a reprogramming request from the Department of Energy by a letter dated August 18, 1993. Contrary to longstanding practice, the Department had obligated the funds before submitting the reprogramming request. The conferees are disturbed about this action, which not only ignored the existing statutory requirements governing reprogramming actions, but also redirected funds from a legally mandated activity to a discretionary activity. While the conferees reluctantly approve this reprogramming request after the fact, the conferees put the Department on notice that the recurring statutory provisions governing reprogrammings provide a good deal of flexibility to the Department and are easily complied with. Further abuses of the current provisions could require the Armed Services Committees to reconsider the Department's reprogramming procedures.

Limits on general plant projects (sec. 3122)

The House bill contained a provision (sec. 3122) that would authorize the Secretary of Energy to carry out general plant projects below $1.2 million without specific congressional authorization for the project.

The Senate amendment contained a similar provision (sec. 3122) that would set the ceiling on general plant projects at $2.0 million.

The House recedes.

Defense inertial confinement fusion program (sec. 3131)

The House bill contained a provision (sec. 3105(a)) that would authorize $188.413 million for the inertial confinement fusion program.

The Senate amendment contained an identical provision (sec. 3106(b)).

The conferees recommend $188.413 million for the inertial confinement fusion program. The conferees agree that $172.553 million is for operating expenses and $15.860 million is for capital equipment. The conferees confirm their support for the findings and recommendations of the National Academy of Sciences' 1990 report on the inertial confinement fusion program. The conferees believe that the recommended amount is sufficient to implement the Academy's recommendations.

This funding would provide $25.198 million to continue the upgrade of the OMEGA laser and $82.053 million to continue the upgrade of the NOVA laser. The conferees are pleased with the collaborative efforts of the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory in this program. In addition, this funding would provide $8.2 million to continue the useful work of the Naval Research Laboratory. The conferees also urge the Sandia National Laboratory to continue its work in meeting the milestones set out in the National Academy's report.

Payment of penalty assessed against Hanford project (sec. 3132)

The House bill contained a provision (sec. 3105(b)) that would permit the Secretary of Energy to pay a stipulated penalty of $100,000, assessed in accordance with Article XIX of the Hanford Consent Agreement and Compliance Order, to the Hazardous Substances Superfund from funds appropriated to the Department of Energy for environmental restoration and waste management activities.

The Senate amendment contained a similar provision (sec. 3131).

The conferees agree that the Secretary of Energy may pay $100,000 to the Hazardous Substances Response Trust, as a stipulated penalty under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Hanford Consent Agreement.

Water management programs (sec. 3133)

The House bill contained a provision (sec. 3105(c)) that would permit the Secretary of Energy, from funds appropriated to the Department of Energy for environmental restoration and waste management activities, to reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, Colorado, in the amount of $11.3 million for the cost of implementing water management programs.

The Senate amendment contained a similar provision (sec. 3103(d)) that would allow the Secretary to reimburse the cities in the amount of $21.415 million and that would clarify that this reimbursement shall not be considered a major federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

The House recedes with an amendment that would allow the Secretary to reimburse the cities in the amount of $11.3 million. In addition, the conferees agree that the program must be completed in fiscal year 1995.

Technology transfer activities (sec. 3134)

The House bill contained a provision (sec. 3105(d) that would permit the Secretary of Energy to use the nuclear materials support and other defense programs appropriation, and stockpile support funding in the weapons activities appropriation, for technology transfer activities at Department of Energy production facilities, provided that those activities preserve or enhance the critical skills required for weapons production.

The Senate amendment contained a similar provision (sec. 3143).

The Senate recedes with a technical amendment.

Technology transfer and economic development (sec. 3135)

The Senate amendment contained a provision (sec. 3106(l)) that would prohibit the obligation of the funds requested by the Department of Energy for technology transfer and economic development activities in the southeastern United States until 30 days after the Secretary of Energy submits a report to the congressional defense committees setting forth a plan that would ensure the activities are regional in nature.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the Department of Energy to obligate not more than $5.0 million of the $30.0 million in funds requested and authorized before the plan is submitted. In addition, the amendment would require the Secretary of Energy to submit the report to the congressional defense committees 30 days after the report is provided to the Secretary by the Savannah River Site (SRS).

The conferees expect the report to contain a clear spending plan that will benefit the communities surrounding the SRS in a fair and equitable manner. These communities include the counties of Aiken, Barnwell and Allendale in South Carolina, and Columbia and Richmond in Georgia. The SRS employs people from all of these surrounding counties. As a result, the economic health of these counties is directly tied to the ability of the SRS to work cooperatively with the entire community in drawing on the resources of the SRS to bring new businesses and opportunities to the area.

Prohibition on research and development of low-yield nuclear weapons (sec. 3136)

The House bill contained a provision (sec. 3105(e)) that would direct the Secretary of Energy to discontinue the ongoing concept design work within the Department of Energy's nuclear weapons laboratories. The provision also would direct the Secretary to refrain from any future feasibility, engineering, development, or production work associated with very low-yield nuclear weapons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the prohibition applies to activities that could lead to production of new low-yield nuclear weapons. While the conferees agree that the provision is intended to prohibit research and development geared toward the production of any low-yield nuclear weapons by the United States, the conferees recognize that there are instances where the Department of Energy may need to conduct research on these types of weapons for other purposes. This would include research, in the interest of counter-proliferation, on the designs of low-yield weapons as a way to: (1) understand others' activities, including potential terrorist threats; (2) provide information for export control activities; and (3) understand the potential damage that could be inflicted by the use of these types of weapons. In addition, the conferees agree that nothing in this section would prohibit the Department of Energy from performing the research and development necessary for modifications to existing weapons in order to address safety or reliability problems.

The conferees direct the Secretary to work with the President and interested agencies in discouraging the development of similar weapons in other countries.

Nuclear weapons testing (sec. 3137)

The Senate amendment contained a provision (sec. 3106(f)) that would provide funds for the Nevada Test Site, including infrastructure maintenance, maintenance of the technical capability to resume underground nuclear weapons testing, and activities relating to alternatives to underground testing. In addition, the provision would prohibit the Secretary of Energy from obligating funds in excess of the $180.0 million provided, until the Secretary submits a report outlining a plan to maintain the technical capabilities at the Nevada Test Site and to determine alternatives to underground testing. The provision would also require the Secretary to submit an annual report to Congress setting forth any problems with the nuclear weapons in the stockpile and the resolution of such problems.

The House bill contained no similar provision.

The House recedes with an amendment that would provide $211.3 million for the Nevada Test Site for infrastructure and for the maintenance of a capability to resume underground testing and $6 million for operating expenses at the Marshall Islands. The amendment would also require the Secretary to submit an annual report on the nuclear weapons stockpile.

Testing of nuclear weapons (sec. 3137)

The House bill contained a provision (sec. 3139) that would prohibit the use of funds to conduct the safeguard C program to maintain the U.S. capability to conduct atmospheric testing of nuclear weapons.

The Senate amendment contained a similar provision (sec. 231(d)).

The conferees agree that the United States no longer needs to maintain the capability to resume the atmospheric testing of nuclear weapons. The conferees also recognize that the safeguard C program includes activities other than maintenance of the capability to resume atmospheric testing. Thus, the provision the conferees recommended would prohibit the expenditure of any funds to maintain that capability.

Stockpile stewardship program (sec. 3138)

The House bill contained a provision (sec. 3135) that would establish a stockpile stewardship program to ensure the preservation of core intellectual and technical competencies in nuclear weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification. The House bill would provide $100.0 million for this program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide $157.4 million in funding for the program.

National security programs (sec. 3139)

The Senate amendment contained a provision (sec. 3106(a)) that would prohibit the obligation of more than 90 percent of the funds appropriated to the Department of Energy for national security programs, until the Secretary of Energy submits a five year budget plan as required by section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189).

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the obligation of more than 95 percent of the funds until the plan is submitted.

Expended core facility dry cell (sec. 3140)

The Senate amendment contained a provision (sec. 3106(e)) that would prohibit the obligation or expenditure of funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 for project 90–N–102 expended core facility dry cell project at the Naval Reactors Facility, Idaho until the shipment of spent naval nuclear propulsion to the Idaho National Engineering Laboratory, Idaho, is resumed.

The House bill contained no similar provision.

The House recedes.

Scholarship and fellowship program for environmental restoration and waste management (sec. 3141)

The Senate amendment contained a provision (sec. 3106(h)) that would provide $1.0 million for the Department of Energy environmental scholarship and fellowship program carried out pursuant to section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The House bill contained no similar provision.

The House recedes.

Training programs for management of hazardous materials and of hazardous materials emergency response activities (sec. 3142)

The Senate amendment contained a provision (sec. 3137) that would authorize the Secretary of Energy to carry out a training program for persons who work with hazardous materials and who have emergency response authority and responsibilities. The provision would authorize $20.0 million to carry out the program.

The House bill contained no similar provision.

The House recedes with an amendment that would provide up to $10.0 million of the funds authorized pursuant to section 3102 of this act to carry out a hazardous materials management and hazardous materials emergency response training program.

Hanford health information network (sec. 3143)

The Senate amendment contained a provision (sec. 3106(i)) that would provide $1.75 million for the last year of the study on radiation effects downwind of the Department of Energy Hanford Site. The study is being conducted pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510).

The House bill contained no similar provision.

The House recedes.

Protection of nuclear weapons facilities workers (sec. 3143)

The Senate amendment contained a provision (sec. 3106(j)) that would provide $10.0 million for activities relating to worker protection at nuclear facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would provide $11.0 million for the protection of nuclear weapons facilities workers. This funding is to be used to continue the activities the Department of Energy started pursuant to section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) and to award training grants pursuant to this program. The conferees are concerned that fire fighters, a group with unique responsibilities at Department of Energy nuclear weapons facilities, have not been awarded a training grant under the section 3132 program. The conferees urge the Secretary of Energy to consider grant funding for training fire fighters if an acceptable grant proposal is submitted.

Verification control technology (sec. 3144)

The Senate amendment contained a provision (sec. 3106(g)) that would prohibit the Department of Energy from obligating more than $334,441,000 of the funds authorized for verification and control technology until the Secretary of Defense submits a report on non-proliferation and counter-proliferation activities.

The House bill contained no similar provision.

The House recedes with a technical amendment that would apply the prohibition on obligations to operating expenses only.

Tritium production requirements (sec. 3145)

The Senate amendment contained a provision (sec. 3132) that would create an office of tritium production and plutonium disposition under the Assistant Secretary of Energy for Defense Programs to be responsible for the research and development of technologies for tritium production and plutonium disposition.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the requirement to establish an office. The amendment would require a report on the Department of Energy's plans for meeting tritium production requirements through 2008 and beyond, and set a date for completion of the environmental impact statement on the reconfiguration of the nuclear weapons complex.

Limitations on the receipt and storage of spent nuclear fuel from foreign research reactors (sec. 3151)

The House bill contained a provision (sec. 3137) that would require the Secretary of Energy to notify Congress 30 legislative days before receiving any emergency shipments of spent foreign research reactor fuel. In addition, the provision would prevent receipt of any spent foreign research reactor fuel that would exceed the existing storage capacity for such fuel at the Department of Energy's Savannah River Site, until an environmental impact statement is completed.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the notice and wait period for receipt of the spent foreign research reactor fuel to 30 calendar days. The amendment also would clarify that the prohibition on the storage above current capacity at the Savannah River site would apply to fuel other than that received on a non-emergency basis.

The conferees note that the Department of Energy has announced that it will take the actions required by this provision. The announcement specified that the Department would receive no more than 700 fuel elements at the Savannah River Site until an environmental impact statement is completed. The current storage capacity is approximately 1,000 elements. The Department has also announced that the final environmental impact statement will be completed and the record of decision will be signed by the end of June 1995.

The conferees note that accepting this spent foreign research reactor fuel is an important aspect of the nonproliferation policy of the United States.

Extension of review of waste isolation pilot plant in New Mexico (sec. 3152)

The Senate amendment contained a provision (sec. 3139) that would amend section 1433 of the National Defense Authorization Act for Fiscal Year 1989 to extend a contract between the Department of Energy and the New Mexico Institute of Mining and Technology (NMIMT) for an additional five years. This contract extension would allow the NMIMT to continue to carry out the work of the Environmental Evaluation Group, which is independently evaluating the Department of Energy waste isolation pilot project in Carlsbad, New Mexico.

The House bill contained no similar provision.

The House recedes.

Baseline environmental management reports (sec. 3153)

The House bill contained a provision (sec. 3132) that would require the Secretary of Energy to prepare an environmental baseline against which future progress in environmental restoration and waste management programs can be measured. In addition, the provision would require annual reports, beginning in 1994, that would set out the status, costs, and variances in the environmental activities. The reports also would require the Secretary to estimate the out-year costs of Department of Energy environmental programs through 2019.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the first annual reports to be provided in 1995, after the President submits the budget request for fiscal year 1996.

Lease of property at Department of Energy weapon production facilities (sec. 3154)

The House bill contained a provision (sec. 3140) that would allow the Secretary of Energy to leave or transfer surplus real or personal property to a public agency at no less than 50 percent of the fair market value of the property. The provision also would prevent the Secretary of Energy from moving personal property from a facility if the property could be useful in converting the property to civilian use.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of Energy to lease, at less than fair market value, property at Department of Energy facilities that are being reconfigured. This provision is designed to provide broad discretion to the Secretary to assist local communities adversely impacted by the reconfiguration of Department of Energy facilities.

The amended provision also would require the Secretary to obtain the concurrence of the Administrator of the Environmental Protection Agency for leases at sites that are on the National Priority List and of the appropriate state official for leases at sites that are not on the National Priority List.

Authority to transfer personal property and equipment to support reutilization are included elsewhere in this act. The conferees believe that the provision is consistent with the Secretary of Energy's guidance regarding the relocation of personal property and equipment.

Nothing in this section should be interpreted to affect or constrain the disposal of surplus property by the Department of Energy, as defined in section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g)). Nor is this provision intended to alter or contravene existing or future federal facility agreements under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other provision of law.

In addition, the conferees recognize the need for a more comprehensive and long-range approach to leasing property at closing and reconfigured DOE facilities. Therefore, the Secretary is directed to report to Congress regarding additional changes that may be necessary. The report shall be submitted at the time the defense committees consider the fiscal year 1995 budget.

Finally, the conferees agree that it is in the public interest for the Department of Energy to facilitate the economic recovery of communities that experience adverse economic impact from the closure or reconfiguration of a Department of Energy facility. The Secretary of Energy should assist the communities, where possible, to alleviate such adverse impact. Delay in the reutilization of DOE property, facilities, and equipment for commercial use could contribute to the loss of a highly skilled work force from reduced business opportunities.

Authority to transfer certain Department of Energy property (sec. 3155)

The Senate amendment contained a provision (sec. 3133) that would permit the Secretary of Energy to transfer personal property that would mitigate the adverse economic consequences of the closure of a Department of Energy facility, at less than fair market value, if such personal property is excess to the needs of the Department. In addition, the provision would allow the Secretary to transfer any other property that is to excess to the needs of the Department, if the replacement cost of such equipment does not exceed 110 percent of the cost of transporting the property to another Department of Energy facility.

The House bill contained no similar provision.

The House recedes with a technical amendment that would clarify that the property includes personal property and equipment belonging to the Department of Energy.

Improved congressional oversight of Department of Energy special access programs (sec. 3156)

The House bill contained a provision (sec. 3131) that would require an annual report on Department of Energy special access programs, set forth the matters to be included in the report, and provide a waiver of the requirement to report on a program if inclusion of information on that program would adversely affect the national security.

The Senate amendment contained no similar provision.

The Senate recedes.

Elsewhere in the conference report, the conferees have recommended a provision that would require other Federal agencies to prepare reports on their special access programs. The Department of Energy would not be included in the general provision; instead, the Department of Energy special access programs would be fully covered by the report required by this section.

Expansion of authority to loan personnel and facilities (sec. 3157)

The House bill contained a provision (sec. 3133) that would expand the Secretary of Energy's authority to loan personnel and facilities to include the Department of Energy's Savannah River Site in South Carolina.

The Senate amendment contained a similar provision (sec. 3134) that would include the Savannah River Site and the Department of Energy's Oak Ridge site in Oak Ridge, Tennessee.

The House recedes. The conferees expect that, in the case of the Savannah River Site, personnel and facilities will be loaned to the community development organization known as the Savannah River Regional Diversification Initiative. In the case of Oak Ridge, the conferees expect that personnel and facilities will be loaned to the community development organization known as the Roane Anderson Economic Council.

Modification of payment provision (sec. 3158)

The House bill contained a provision (sec. 3134) that would amend section 1532(a) of the Department of Defense Authorization Act for Fiscal Year 1986 by striking out "1996" and inserting in lieu thereof "1995." This is a technical correction of a typographical error in the provision terminating the Department of Energy's payments in lieu of taxes after ten years, beginning in fiscal year 1985.

The Senate amendment contained no similar provision.

The Senate recedes.

Contract goal for small disadvantaged businesses and certain institutions of higher education (sec. 3159)

The House bill contained a provision (sec. 3138) that would establish a 5 percent goal for the Department of Energy in contracting with small disadvantaged businesses (SDB)

and historically black colleges and universities and minority institutions (HBCU/MI) when carrying out Department of Energy national security programs. This goal would sunset in the year 2000, consistent with section 2323 of title 10, United States Code, which establishes a 5 percent SDB and HBCU/MI contracting goal for the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would exclude the Department of Energy naval reactors program from the provision. The conferees urge the naval reactors program to work with small disadvantaged businesses and historically black colleges and universities to the extent practicable. The conferees recognize the program's unique nature prevents it from having the contracting flexibility that is present in other Department of Energy activities.

Amendments to Stevenson-Wydler (sec. 3160)

The House bill contained a provision (sec. 3104(d)(4)) that would amend the Stevenson-Wydler Act of 1980 (15 U.S.C. 3710a(d)) to expand the definition of a laboratory to include Department of Energy weapon production facilities.

The Senate amendment contained a similar provision (sec. 3148).

The Senate recedes with a technical amendment.

Standardization of requirements affecting Department of Energy employees (sec. 3161)

The Senate amendment contained a provision (sec. 3140) that would repeal standard of conduct provisions in Part A of Title VI of the Department of Energy Organization Act (Public Law 95-91) to conform the Department of Energy with government-wide standard of conduct requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would repeal sections 603-607 of Part A of Title VI of the Department of Energy Organization Act because the government-wide standards of conduct have similar requirements and the Department of Energy sections are now duplicative.

The conferees agree to retain and amend sections 601, 602, and portions of section 608.

The conferees amended section 602 of the Department of Energy Organization Act to allow the Secretary of Energy to determine whether waiving the divestiture provision on a case-by-case basis is appropriate with a requirement that the assets be placed in a qualified trust pursuant to 5 C.F.R., Part 2634.

In addition, the amendment would require the Secretary of Energy to submit a report to the House Energy and Commerce Committee and the Senate Energy and Natural Resources Committee that would examine the efficacy and limitations of the remaining provisions and provide recommendations. The conferees also agree to examine the remaining provisions to determine if additional changes to the law are appropriate.

LEGISLATIVE PROVISIONS NOT ADOPTED

Counter-proliferation program

The House bill contained a provision (sec. 3136) that would establish a counter-proliferation mission in the Department of Energy and direct the Secretary of Energy to establish a database and tracking system to account for the production, storage, and use of weapons grade plutonium and uranium in the newly independent states of the former Soviet Union and other states.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that, while the Department of Energy has certain unique capabilities for counter-proliferation, the Department's activities should be coordinated with ongoing activities in other agencies and in conjunction with the development of government-wide policies and goals for counter-proliferation activities. Establishment of such a program at this time is premature.

The conferees do believe that the United States must have the ability to track nuclear weapons and materials. Therefore, the conferees are disappointed that, despite the inclusion of section 3151(b) in the National Defense Authorization Act for Fiscal Year 1993, there has been no discernible progress between the United States and states of the former Soviet Union on an agreement to reciprocally release information on their nuclear stockpiles. The establishment of a reliable data base detailing where nuclear materials were produced, in what amount, and the current location and status of such materials, is the essential first step of an effective U.S. nonproliferation and counter-proliferation policy. The specific materials to be accounted for include, but are not limited to, plutonium, highly enriched uranium, and tritium.

Section 3152 of the National Defense Authorization Act for Fiscal Year 1993 authorizes the President to release restricted data if a reciprocity agreement is reached with a state of the former Soviet Union. Despite that authority, the conferees are particularly dismayed that the Department of Defense has not begun to engage its military counterparts in the former Soviet Union in negotiations leading to a reciprocal exchange of stockpile information. Without such an exchange, a complete and accurate database will be difficult to establish. Accordingly, the conferees again urge the Department of Defense to move forward expeditiously to negotiate such reciprocal agreements. The conferees fully expect the Department of Defense to report progress in the near future.

According to the Department of Energy's Office of Intelligence and National Security, the international nuclear analysis program could provide the database framework that could accommodate the information that would be exchanged between the states of the former Soviet Union and the United States if reciprocal agreements were reached. In fact, the Department of Energy plans to spend almost $10 million in fiscal year 1994 on international nuclear analysis and other database programs for this purpose. The conferees appreciate the Department's efforts in this area and trust they will be maintained. However, the conferees also expect that, if the Department of Defense negotiates one or more reciprocal agreements, the necessary resources would be made available to accommodate the new information.

The conferees also note that a key element of any reciprocal agreement is the capability to track and verify the disposition of nuclear materials. Technology which can "tag" nuclear weapons components and materials as they are transported for dismantlement, storage, or destruction is essential to any reciprocity agreement. The conferees understand that such technology is available, but more work needs to be done to ensure it is foolproof and will be available whenever a reciprocity agreement is in place. The conferees suggest that Nunn-Lugar funds be considered for both the development and procurement of "tagging" technology, and strongly urge the Department of Defense to coordinate its efforts with the Departments of Energy and State.

Prohibition on use of funds for advanced liquid metal reactor

The House bill contained a provision (sec. 3141) that would prohibit the use of funds appropriated to the Department of Energy for fiscal year 1994 or for any previous fiscal year for national security programs to support the advanced liquid metal reactor.

The Senate contained no similar provision.

The House recedes.

Tritium production and plutonium disposition activities

The Senate amendment contained a provision (sec. 3102) that would authorize, as a separate funding category, $83.0 million for carrying out tritium production and plutonium disposition activities. This funding authorization would be offset by $43.0 million in prior year funds.

The House bill contained no similar provision.

The Senate recedes.

The conferees recommend authorization of $30.0 million for plutonium disposition and related activities. Funding for this activity is included in section 3101(a)(5) of this act (weapons activities, complex reconfiguration).

The Secretary of Energy shall use the $30.0 million provided for plutonium disposition activities for a full range of reactor and nonreactor technologies, including disposal options for plutonium such as vitrification. The Secretary is encouraged to use the funds to examine and review any technologies that could be used to address the serious issue of the storage and disposition of excess plutonium. These funds are available to conduct a full and open review of technologies. Further, the conferees direct the Secretary to consult with other relevant federal agencies, including, but not limited to, the Department of Defense and the Office of Science and Technology Policy, and to allow full public participation.

Fire protection and cooling or refrigeration systems

The Senate amendment contained a provision (sec. 3106(c)) that would prohibit the Secretary of Energy from obligating funds appropriated for fiscal year 1994 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)). The Secretary could obligate the funds if the Secretary determines that an alternative system meeting the Department of Energy's operational requirements is not commercially available or is not proven to be cost-effective in a life-cycle cost analysis.

The House bill contained no similar provision.

The Senate recedes.

New tritium production and plutonium disposition activities

The Senate amendment contained a provision (sec. 3106(d)) that would designate funds, from the funds available for tritium production and plutonium disposition activities, for the evaluation of a variety of different reactor technologies.

The House bill contained no similar provision.

The Senate recedes.

Merger of certain funds with funds appropriated for new production reactors

The Senate amendment contained a provision (sec. 3106(k)) that would require that

funds made available to the Department of Energy for new production reactors in prior years be merged with funds made available for tritium production and plutonium disposition activities.

The House bill contained no similar provision.

The Senate recedes.

Inclusion of analysis of Nevada Test Site in environmental assessment of the reconfiguration of Department of Energy nuclear weapons complex

The Senate amendment contained a provision (sec. 3135) that would direct the Department of Energy to include an analysis of the Nevada Test Site in the environmental impact statement being prepared by the Department in connection with a decision on future weapons complex facilities and functions.

The House bill contained no similar provision.

The Senate recedes. Following passage of the Senate amendment, the Department of Energy decided to include an analysis of the Nevada Test Site, as envisioned by the Senate amendment, in the environmental impact statement for the reconfiguration of the Department of Energy nuclear weapons complex.

Department of Energy management

The Senate amendment contained a provision (sec. 3136) that would authorize two additional under secretaries for the Department of Energy.

The House bill contained no similar provision.

The Senate recedes.

Review of Department of Energy environmental compliance agreements

The Senate amendment contained a provision (sec. 3138) that would require the Secretary of Energy to review the various environmental agreements to which the Department is a party and submit a one-time report to Congress in 1996. The report would identity activities in the various agreements that: (1) could be completed faster than scheduled; (2) were no longer necessary; (3) could not be completed on schedule; or (4) could be completed within a reasonable period of time using more efficient or cost-effective technology than the one agreed upon. The provision would require the Secretary to prepare the report in consultation with the parties to the agreements and representatives of the community in which the Department of Energy facility covered by the agreement is located. The provision also would specify that it was not intended to void or amend any agreement being reviewed, or require any party to renegotiate any agreement that was being reviewed.

The House bill contained no similar provision.

The Senate recedes.

Cooperative research and development

The Senate amendment contained a series of provisions (secs. 3143–3146 and 3148–3150) that were drawn in large measure from S. 473, the Department of Energy National Competitiveness Technology Partnership Act of 1993. These provisions were designed to take maximum advantage of the skills and capabilities of the Department of Energy laboratories and to allow these skills to be used to enhance U.S. competitiveness. These provisions would expedite the process by which the Department of Energy enters into partnership agreements with industry for research and development and technology transfer. In addition, the provisions would allow the DOE laboratories to engage in work beyond their traditional defense and energy missions.

The House bill contained no similar provisions.

The Senate recedes.

The Senate conferees are disappointed that implementation of these provisions will be delayed until next year. All conferees agree that the Department of Energy laboratories are a very important resource. The conferees also agree to examine the potential use of the laboratories to enhance the economic, technological, and scientific competitiveness of the United States while simultaneously maintaining their core competencies. In addition, the conferees will review the benefits of partnerships between industry and the Department of Energy laboratories.

Because of these provisions' benefits, the House conferees, who have not yet held hearings on a laboratory bill, agree to hold hearings so that a laboratory bill can be considered early in the next session of this Congress.

* * * * *

Management of the national security programs of the Department of Energy

The Armed Services conferees believe that the management of the nation's nuclear weapons program is outdated and in need of reexamination. The Armed Services conferees therefore believe that the executive branch should study the management of Department of Energy national security programs. The national security programs are authorized pursuant to this act and consist of: (1) nuclear weapons activities; (2) nuclear materials production, management, and disposition; (3) environmental restoration and waste management at nuclear weapon facilities; (4) safeguard and security activities; (5) naval reactor development; (6) intelligence activities; and (7) counter- and non-proliferation activities. The Armed Services conferees firmly believe that these activities should be under a single management structure because they are interrelated.

The arrangements made after World War II for the management of nuclear weapons activities were unprecedented, unique, and unlike anything in government. Nuclear energy in general, and the production of nuclear weapons in particular, were the object of intense congressional interest. The insistence on civilian control of nuclear energy was paramount, and resulted in the establishment of the Atomic Energy Commission (AEC), overseen by a joint committee of Congress. A measure of the unusual arrangements made in those days is the fact that for many years, the possession and custody of nuclear weapons were not in the hands of the military at all, but in the hands of AEC civilians. (Today that is not the case, and the military departments maintain custody and control of the nuclear weapons stockpile.)

In the intervening years, the singular nature of the nuclear weapons establishment has become less of a factor in the management and oversight of the program. The AEC and the joint committee were abolished. The non-regulatory activities of the AEC, including the nuclear weapons establishment, were assigned first to the Energy Research and Development Administration, and later to the Department of Energy.

In the Department of Energy today, the nuclear weapons and naval reactor activities (along with the environmental restoration of nuclear weapons plants) are not centrally managed. None of the managers at the Department of Energy is focused principally on national security programs. In addition, as the emphasis of the Department of Energy shifts from national security to domestic matters, the conferees believe it is now appropriate to review the organization of the national security programs.

The Armed Services conferees believe the National Security Council should undertake a review of the organizational arrangements for these national security programs, and make recommendations to the President for any changes that should be made. In conducting this review, the National Security Council should take into account the views of as many current and former senior managers of the nuclear weapons complex as appropriate. The President should ensure that the results of this review are available to the Secretary of Defense and the Secretary of Energy at the time of their testimony in support of the budget request for fiscal year 1995.

International Atomic Energy Agency inspections

The conferees note that on September 28, 1993, the Administration proposed a framework for U.S. efforts to prevent the proliferation of weapons of mass destruction and the missiles to deliver them. One element of this proposal is to submit U.S. fissile weapons material to inspection by the International Atomic Energy Agency (IAEA). The conferees further note that, in an earlier statement of policy dated September 11, 1993, the Administration stated:

"[M]uch of the existing United States weapons stockpile is in the form of nuclear weapons components, an it will probably be necessary to develop methods by which the IAEA can credibly verify this material while protecting sensitive nuclear weapons design information from potential proliferation. Weapons components will be offered for IAEA safeguards when these methods have been developed."

The conferees strongly believe that methods must be developed that will eliminate the risk of compromising sensitive nuclear weapons components. This is especially important because critical nuclear weapon design data are available simply by looking at the shape of our nuclear weapon "pits."

The conferees therefore urge that, before the U.S. Government makes fissile weapons material subject to IAEA inspection, the Administration develop and apply technical methods that will prevent the compromise of restricted data. The Armed Services Committees of the Senate and House of Representatives will address this issue in hearings next year.

The conferees note, however, that sections 3151 and 3152 of the National Defense Authorization Act for Fiscal Year 1993 specifically authorize the release of such restricted data if it is in the context of a reciprocal exchange of nuclear stockpile information with a state of the former Soviet Union. The conferees agree that their admonitions should in no way be construed to conflict with the conferees' direction to negotiate such agreements set out elsewhere in the statement of managers, or the authority to release restricted data as part of the terms of such agreements.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense Nuclear Facilities Safety Board authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $15.060 million for the operation of the Defense Nuclear Facilities Safety Board.

The Senate amendment contained a similar provision (sec. 3201) but would authorize $18.0 million.

The conferees recommend $16.560 million for operation of the Defense Nuclear Facilities Safety Board.

Requirements for transmittal to Congress of certain information prepared by Defense Nuclear Facilities Safety Board (sec. 3202)

The Senate amendment contained a provision (sec. 3202) that would require the Defense Nuclear Facilities Safety Board to submit to Congress its budget estimates, requests, other budget information, legislative recommendations, and statements of information in preparation of a report to be submitted to Congress, at the same time these documents are submitted to the Office of Management and Budget.

The House bill contained no similar provision.

The House recedes with an amendment that would exclude budget information from the simultaneous submittal requirement.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Disposal of obsolete and excess material contained in the National Defense Stockpile (sec. 3301)

The House bill contained a provision (sec. 3302) that would authorize the Secretary of Defense to sell up to $500 million worth of material from the National Defense Stockpile in any fiscal year, and would provide that all receipts from the sales be deposited in the National Defense Stockpile Transaction Fund.

The Senate amendment contained a provision (sec. 3301) that would authorize disposal of 12 materials from the National Defense Stockpile that have been determined to be excess to the stockpile requirements recommended by the Department of Defense.

The House recedes with an amendment. The conferees agree to authorize disposal of 11 of the 12 materials from the National Defense Stockpile contained in the Senate provision. The conferees agree not to authorize the disposal of aluminum.

Authorized uses of stockpile funds (sec. 3302)

The Senate amendment contained a provision (sec. 3303) that would authorize the stockpile manager to obligate $67.3 million from the National Defense Stockpile Transaction Fund during fiscal year 1994 for the authorized uses of funds under section 9(b)(2) of the Stock Piling Act.

The House bill contained no similar provision.

The House recedes.

Revision of authority to dispose of certain materials authorized for disposal in fiscal year 1993 (sec. 3303)

The House bill contained a provision (sec. 3304) that would permit the disposal of chromite and manganese ores from the stockpile only for processing within the United States during fiscal year 1994, and delay the authorized disposal of ferrochrome and ferromanganese from the stockpile until October 1, 1994.

The Senate amendment contained a similar provision (sec. 3302).

The House recedes.

Conversion of chromium ore to high purity electrolytic chromium metal (sec. 3304)

The House bill contained a provision (sec. 3305) that would require the stockpile manager to upgrade not less than 800 short tons of chromium ore to high purity electrolytic chromium metal during each of fiscal years 1994 through 1996.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to carry out a program to upgrade chromium ore in the National Defense Stockpile to high purity chromium metal if the Secretary determines that additional amounts of high purity chromium metal are needed in the National Defense Stockpile and includes the upgrade program in the Annual Materials Plan or any revision thereto.

Stockpiling principles (sec. 3311)

The Senate amendment contained a provision (sec. 3311) that would amend the Stock Piling Act to allow stockpile planning to be consistent with other areas of defense planning.

The House bill contained no similar provision.

The House recedes with an amendment that would make the Senate provision effective on October 1, 1994.

Modification of notice and wait requirements for deviations from Annual Materials Plan (sec. 3312)

The House bill contained a provision (sec. 3303) that would allow changes Annual Materials Plan to become effective 45 days after notification of the appropriate committees of Congress.

The Senate amendment contained a provision (sec. 3312) that would allow such changes to become effective 30 days after notification of the appropriate committees of Congress.

The Senate recedes.

Additional authorized uses of National Defense Stockpile Transaction Fund (sec. 3313)

The Senate amendment contained a provision (sec. 3314) that would authorize Stockpile Transaction Fund monies to be used for annual operating costs of the stockpile, including the costs of employees' salaries.

The House bill contained no similar provision.

The House recedes.

National emergency planning assumptions for biennial report on stockpile requirements (sec. 3314)

The Senate amendment contained a provision (sec. 3315) that would amend the requirements concerning planning assumptions in the biennial report on stockpile requirements required under the Stock Piling Act.

The House bill contained no similar provision.

The House recedes with an amendment that would make the Senate provision effective on October 1, 1994.

LEGISLATIVE PROVISIONS NOT ADOPTED

Rotation of materials to prevent technological obsolescence

The Senate amendment contained a provision (sec. 3313) that would allow for modernization and rotation of materials in the stockpile to prevent technological obsolescence.

The House amendment contained no similar provision.

The Senate recedes.

Repeal of advisory committee requirement

The Senate amendment contained a provision (sec. 3316) that would repeal the requirement to establish an Advisory Committee Regarding Operation and Modernization of the Stockpile contained in section 3306 of the National Defense Authorization Act for Fiscal Year 1993.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXXIV—CIVIL DEFENSE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Civil defense authorization (sec. 3401)

The Administration requested $146.391 million for fiscal year 1994 for activities authorized under the Federal Civil Defense Act of 1950, as amended. These funds are provided to the Federal Emergency Management Agency (FEMA) which administers the civil defense program.

The House bill (sec. 3401) would authorize the requested amount.

The Senate amendment (sec. 3401) would authorize $152.9 million.

The Senate recedes. The conferees also urge the Federal Emergency Management Agency to complete the comprehensive study of domestic emergency reparedness funding requirements Congress directed in the National Defense Authorization Act for Fiscal years 1992 and 1993 (Public Law 102–190). The study was to have been completed on April 1, 1992.

The conferees endorse the Senate report's (S. Rept. 103–112) recommendation that FEMA procure equipment that will permit it to gain access to Department of Defense and other federal damage assessment capabilities. Prompt and accurate damage assessment will give federal authorities the ability to know what type and how much assistance states and localities need following a disaster. In recent studies, the General Accounting Office and the National Academy of Public Administration have underscored the importance of this information.

Civil Defense Act amendments (sec. 3402)

The House bill contained a provision (sec. 3402) that would amend the Civil Defense Act to reflect the "all-hazard" approach to emergency management. The act permits states to spend their federal civil defense funds to prepare for natural disasters "in a manner that is consistent with, contributes to, and does not detract from attack-related civil defense preparedness." The House bill would eliminate this spending restriction, and permit the use of civil defense funds to prepare for and respond to all kinds of emergencies and disasters.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note and endorse the discussion of the amendments in the House report (H. Rept. 103–200).

TITLE XXXV—PANAMA CANAL COMMISSION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Panama Canal Commission (secs. 3501–3506)

The Senate amendment contained provisions (secs. 3501–3506) that would authorize expenditures from the Panama Canal Revolving Fund for the operation and maintenance of the Panama Canal for fiscal year 1994. They also would provide the consent of the Congress for employees who are not citizens of the United States to accept civil employment with and compensation from agencies and organizations affiliated with the Government of Panama for which the consent of Congress is required by section 9 of Article I of the Constitution. The consent would be conditioned upon approval of such employment by their designated agency ethics official and by the Administrator of the Panama Canal Commission. Finally, the provisions would restate the right to challenge

adverse personnel actions through a negotiated grievance procedure for non-preference-eligible bargaining unit employees of the Commission.

The Panama Canal operates on a self-sustaining basis, utilizing tolls and revenues paid by canal users. Appropriated funds are not utilized for the operation and maintenance of the canal.

The House bill contained no similar provisions. A separate House bill contained provisions essentially identical to those in the Senate amendment.

The House recedes with a technical amendment.

From the Committee on Armed Services, for consideration of the entire House bill and the entire Senate amendment, and modifications committed to conference:

RONALD V. DELLUMS,
G.V. MONTGOMERY,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
MARILYN LLOYD,
NORMAN SISISKY,
JOHN M. SPRATT, Jr.,
FRANK MCCLOSKEY,
SOLOMON P. ORTIZ,
GEORGE HOCHBRUECKNER,
GENE TAYLOR,
NEIL ABERCROMBIE,
TOM ANDREWS,
CHET EDWARDS,
ROBERT A. UNDERWOOD,
JANE HARMAN,
FLOYD SPENSE,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
ARTHUR RAVENEL, Jr.,
RONALD K. MACHTLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

DAN GLICKMAN,
BILL RICHARDSON,
LARRY COMBEST,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 812 and 1316 of the House bill, and sections 1087, 2854, and 2908 of the Senate amendment, and modficiations committed to conference:

HENRY GONZALEZ,
STEVE NEAL,
PAUL E. KANJORSKI,
TOM RIDGE,

Provided, Mr. Frank of Massachusetts is appointed in lieu of Mr. Gonzalez and Mr. Bereuter is appointed in lieu of Mr. Ridge solely for the consideration of section 1087 of the Senate amendment:

BARNEY FRANK,
DOUG BEREUTER,

As additional conferees from the Committee on Education and Labor, for consideration of sections 373, 1303, 1331, 1333–1337, 1343, 1344, and 3103 of the House bill and sections 338, 532, 1088, and 2853 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
PAT WILLIAMS,
TOM PETRI,
BILL GOODLING,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 267, 382, 601, 1109, 1314, 2816, 2822, 2829, 2830, 2839, 3105 (b) and (c), 3132, 3137, 3140, and 3201 of the House bill and sections 322, 325, 327, 705, 822, 1088, 2802, 2803, 2833, 2842, 2844, 2913, 3106 (c), (d), (j), (l), 3131, 3132, 3133, 3136–3147, 3149, 3150, 3201, and 3202 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
PHILIP R. SHARP,
AL SWIFT,
CARLOS J. MOORHEAD,
MICHAEL G. OXLEY,

Provided, Mr. Bliley is appointed in lieu of Mr. Oxley solely for the consideration of sections 267, 601, and 1109 of the House bill, and sections 705 and 3106 of the Senate amendment:

TOM BLILEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Oxley solely for the consideration of sections 1314, 3137, 3140, and 3201 of the House bill, and sections 322, 2802, 2803, 3132, 3136, 3139–3147, 3149, 3150, 3201, and 3202 of the Senate amendment:

MIKE BILIRAKIS,

Provided, Mr. Stearns is appointed in lieu of Mr. Oxley and Mrs. Collins of Illinois is appointed in lieu of Mr. Swift solely for the consideration of section 822 of the Senate amendment:

CLIFF STEARNS,
CARDISS COLLINS,

Provided, Mr. Schaefer is appointed in lieu of Mr. Oxley solely for the consideration of section 3138 of the Senate amendment:

DAN SCHAEFER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 234, 237, 241, 1005, 1008 (relating to funding structure for contingency operations), 1009 (relating to report on humanitarian assistance activities), 1021, 1022, 1034, 1038, 1041, 1043–1045, 1048, 1051–1055, 1105, 1107, 1008, 1201–1203, 1205–1208, 1360, 1501–1510, and 3136 of the House bill, and sections 216, 221, 223, 224, 241–245, 547, 1041, 1042, 1051–1054, 1061, 1067, 1077, 1078, 1083–1085, 1087, 1093, 1094, 1101–1103, and 1105–1107 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
BEN GILMAN,

As additional conferees from the Committee on Government Operations, for consideration of sections 818, 829, 1023, 1050, 2816, 2821, 2822, 2823, 2839, and 3140 of the House bill and sections 825, 2843, 2844, and 2902–2908 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.,
CARDISS COLLINS,
GLENN ENGLISH,
BILL CLINGER,
AL MCCANDLESS,

As additional conferees from the Committee on the Judiciary, for consideration of section 262 of the House bill, and modifications committed to conference:

JACK BROOKS,
MIKE SYNAR,
HOWARD L. BERMAN,
HAMILTON FISH, Jr.,
CARLOS J. MOORHEAD,

As additional conferees from the Committee on the Judiciary, for consideration of section 1022 of the House bill, and modifications committed to conference:

JACK BROOKS,
CHARLES SCHUMER,
JOHN CONYERS, Jr.,
HAMILTON FISH, Jr.,

As additional conferees from the Committee on the Judiciary, for consideration of section 1082 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
JOHN BRYANT,
HAMILTON FISH, Jr.,
BILL MCCOLLUM,

As additional conferees from the Committee on Merchant Marine and Fisheries, for the consideration of sections 1351, 1352, and 1354–1359 of the House bill and sections 654 and 3501–3506 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
BILLY TAUZIN,
WILLIAM O. LIPINSKI,
JACK FIELDS,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 265, 1314, and 3137 of the House bill and sections 328, 2841, 2851, 2915, 3103, and 3135 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
JOLENE UNSOELD,
JACK REED,
JACK FIELDS.

As additional conferees from the Committee on Natural Resources, for consideration of section 2818 of the House bill and sections 2855, 3132, 3139, and 3174 of the Senate amendment, and modifications committed to conference:

GEORGE MILLER,
BRUCE F. VENTO,
DON YOUNG,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 364, 901, 934, 943, and 1408 of the House bill and sections 523, 1064, and 3504 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN T. MYERS,
CONSTANCE A. MORELLA,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 2816 and 2841 of the House bill and sections 1068, 1087, 2833, 2842, and 2917 of the Senate amendment, and modifications committed to conference:

NORMAN Y. MINETA,
DOUGLAS APPLEGATE,
BOB WISE,
BUD SHUSTER,
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 1008 relating to funding structure for contingency operations) of the House bill, and modifications committed to conference:

BUTLER DERRICK,
TONY BEILENSON,
MARTIN FROST,
GERALD B.H. SOLOMON,
JAMES H. QUILLEN,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 215, 262, 265, 1303, 1304, 1312–1318, and 3105 of the House bill and sections 203, 233, 235, 803, and 3141–3148 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
EDDIE BERNICE JOHNSON,

As additional conferees from the Committee on Small Business, for consideration of section 829 of the House bill, and modifications committed to conference:

JOHN J. LAFALCE,
NEAL SMITH,
JAN MEYERS,

As additional conferees from the Committee on Veterans' Affairs, for consideration of

sections 1071 and 1079 of the Senate amendment, and modifications committed to conference:

G.V. MONTGOMERY,
GEORGE E. SANGMEISTER,
BOB STUMP,

Provided, Mr. Slattery is appointed in lieu of Mr. Sangmeister solely for the consideration of section 1079:

JIM SLATTERY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 653, 705, and 1087 of the Senate amendment, and modifications committed to conference:

J.J. PICKLE,
Managers on the Part of the House.

SAM NUNN,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
JOHN GLENN,
RICHARD SHELBY,
ROBERT C. BYRD,
BOB GRAHAM,
CHUCK ROBB,
JOSEPH I. LIEBERMAN,
RICHARD H. BRYAN,
STROM THURMOND,
JOHN WARNER,
BILL COHEN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

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 Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, today.

Mr. EWING, for 5 minutes each day, on November 19, 20, 21, 22, and 23.

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

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

Mr. GLICKMAN, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

EXTENSION OF REMARKS

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

(Mr. BUYER on the McCollum amendment to H.R. 1025 in the Committee of the Whole today.)

(Mr. DORNAN and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,222.)

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

Mr. ANDREWS of New Jersey in two instances.
Mr. SKELTON.
Mr. VISCLOSKY.
Mr. DELLUMS.
Mr. HAMILTON in two instances.
Mr. BROWN of California.
Mr. ENGEL.
Mr. WAXMAN.
Ms. WOOLSEY.
Mr. FINGERHUT.
Mr. DE LA GARZA.
Mr. FAZIO.
Mr. MINETA in two instances.
Ms. HARMAN.
Mr. DICKS.
Mr. TRAFICANT.
Mr. BARLOW.
Mr. RANGEL.
Mr. DINGELL in two instances.
Mr. FILNER.
Mr. PAYNE of New Jersey.
Mrs. LOWEY.
Ms. ENGLISH of Arizona.
Mr. DEUTSCH.
Mr. NADLER.
Mr. VENTO.
Mr. HOYER.
Mr. FALEOMAVAEGA.
Mr. BORSKI.
Mr. BROWN of Ohio.
Mr. KOPETSKI.
Mr. OWENS.
Mr. VALENTINE.
Mr. TOWNS.
Mr. FORD of Michigan.
Ms. SCHENK.

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

Mr. PACKARD.
Mr. BARTLETT of Maryland.
Mr. CALVERT.
Mr. DORNAN.
Mr. RIDGE.
Mrs. ROUKEMA in two instances.
Mr. GILMAN in three instances.
Mr. BURTON of Indiana.
Mr. RAMSTAD.
Ms. MOLINARI.
Mr. FAWELL.
Mr. COX.
Mr. SHAYS.
Mr. GRAMS.
Mr. YOUNG of Alaska.

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

Mr. ARCHER.
Mr. EWING.
Mr. GUTIERREZ.
Mr. GOODLING.
Ms. DELAURO.
Mr. FRANKS of Connecticut.
Mrs. JOHNSON of Connecticut.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2520. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 3116. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 131. Joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week."

ADJOURNMENT TO MONDAY, NOVEMBER 15, 1993

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

The motion was agreed to.

The SPEAKER pro tempore (Ms. SLAUGHTER). Pursuant to the provisions of House Concurrent Resolution 178, 103d Congress, the House stands adjourned until noon, Monday, November 15, 1993.

Thereupon (at 8 o'clock and 24 minutes p.m.), pursuant to House Concurrent Resolution 178, the House adjourned until Monday, November 15, 1993, at 12 noon.

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. BROOKS: Committee on the Judiciary. H.R. 1025. A bill to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contracted by firearms dealers before the transfer of any firearm; with an amendment (Rept. 103-344). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 2884. A bill to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purpose; with an amendment (Rept. 103-345). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2868. A bill to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Courthouse" (Rept. 103-346). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3186. A bill to designate the U.S. courthouse located in Houma, LA, as the "George Arceneaux, Jr., United States Courthouse" (Rept. 103-347). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3356. A bill to designate the U.S. courthouse under construction at 611 Broad Street, in Lake Charles, LA, as the "Edwin Ford Hunter, Jr., United States Courthouse" (Rept. 103-348). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3313. A bill to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, 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 expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes: with amendments (Rept. 103-349). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3456. A bill to amend title 38, United States Code, to restore certain benefits eligibility to unremarried surviving spouses of veterans; with an amendment (Rept. 103-350). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 305. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103-351). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3436. A bill to amend the Food Stamp Act of 1977 to ensure adequate access to retail food stores by recipients of food stamps and to maintain the integrity of the Food Stamp Program; with an amendment (Rept. 103-352). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3419. A bill to simplify certain provisions of the Internal Revenue Code of 1986, and for other purposes; with an amendment (Rept. 103-353). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. H.R. 3425. A bill to redesignate the Environmental Protection Agency as the Department of Environmental Protection, and for other purposes; with an amendment (Rept. 103-355). 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. 3318. A bill to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles (Rept. 103-356 Pt. 1). Ordered to be printed.

Mr. DELLUMS: Committee of Conference. Conference report on H.R. 2401. A bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103-357). Ordered to be 2584]{H9563}F

REPORTED BILLS SEQUENTIALLY REFEREED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. CONYERS: Committee on Government Operations. H.R. 1593. A bill to amend the Government in the Sunshine Act to require the disclosure of certain activities, with an amendment; referred to the Committee on Judiciary for a period ending not later than February 28, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(1), rule X (Rept. 103-354, Pt. 1). Ordered to be printed.

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. BOUCHER (for himself, Mr. BROWN of California, Mr. MILLER of California, Mr. LEHMAN, Mr. WALKER, and Mr. BOEHLERT):

H.R. 3485. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996; jointly, to the Committees on Science, Space, and Technology and Natural Resources.

By Mr. ARCHER:

H.R. 3486. A bill to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, and for other purposes; to the Committee on the Judiciary.

H.R. 3487. A bill to amend the Social Security Act to improve review procedures (particularly those involved in the disability determination process) under the OASDI, SSI, and Medicare Programs by making such procedures more cost-effective and by providing greater equity and efficiency for claimants and beneficiaries; jointly, to the Committees on Ways and Means, Post Office and Civil Service, and Energy and Commerce.

By Mr. BACHUS of Alabama (for himself, Mr. HUNTER, Mr. DORNAN, Mr. GOSS, Mr. LAUGHLIN, Mr. BURTON of Indiana, Mr. EMERSON, Mr. STUMP, Mr. DOOLITTLE, Mr. HUTCHINSON, Mr. HANSEN, Mr. BATEMAN, Mr. FIELDS of Texas, Mr. KING, Mrs. FOWLER, Mr. TAYLOR of North Carolina, Mr. EWING, and Mr. SMITH of Texas):

H.R. 3488. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to limit the distribution of funds of the National Endowment for the Arts; to the Committee on Education and Labor.

By Mr. BORSKI (for himself and Mr. WISE):

H.R. 3489. A bill to improve economic productivity and create thousands of jobs by establishing an infrastructure reinvestment fund which will provide immediate, upfront funding of intermodal surface transportation programs, and for other purposes; jointly, to the Committees on Public Works and Transportation, Government Operations, Rules, and Ways and Means.

By Mr. DE LA GARZA:

H.R. 3490. A bill to include as creditable service, for purposes of the Civil Service Retirement System, certain periods of service performed in certain Federal-State cooperative agricultural programs; to the Committee on Post Office and Civil Service.

By Mr. FAWELL (for himself, Mr. GOODLING, and Mr. BALLENGER):

H.R. 3491. A bill to amend the Federal Employees' Compensation Act, and title 18 of the United States Code, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. FISH (for himself, Mr. BILBRAY, Mr. COBLE, Mr. GILMAN, Mr. LANCASTER, Mr. LIPINSKI, Mr. HAYES, Mr. KING, Mr. PICKLE, Mr. REGULA, Mr. SHAYS, Mr. STOKES, Mr. TANNER, Mr. TEJEDA, Mr. WOLF, Mr. YOUNG of Florida, Mr. MARTINEZ, Mr. NATCHER, Mr. BLILEY, Mr. EDWARDS of Texas, Mr. LAZIO, Mr. SARPALIUS, Mr. FALEOMAVAEGA, Mr. MCMILLAN, Mr. MCHUGH, Mr. LEVY, Mr. Frost, Mr. HORN of California, Mr. HOBSON, Mr. MONTGOMERY, Mr. SOLOMON, Mr. MYERS of Indiana, Mr. COLEMAN, Mr. HOCHBRUECKNER, Mr. GEKAS, Mr. TOWNS, Mr. SPENCE, Mr. GILLMOR, Mr. UNDERWOOD, Mr. SKEEN, Mr. REED, Mr. SCOTT, Mr. DELLUMS, Mr. WALSH, Mr. MOORHEAD, Mr. HUGHES, Mr. SWIFT, Mr. SERRANO, Mr. SUNDQUIST, Mr. ACKERMAN, Mr. LAUGHLIN, Mr. MCDERMOTT, Mr. APPLEGATE, and Ms. SLAUGHTER):

H.R. 3492. A bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the U.S. Military Academy at West Point, NY; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FRANKS of Connecticut:

H.R. 3493. A bill to amend title 11 of the United States Code to increase, for the purpose of giving priority in bankruptcy, the dollar amount of unsecured claims of consumers who made deposits with the debtor; to the Committee on the Judiciary.

By Mr. FRANKS of Connecticut:

H.R. 3494. A bill to amend title 18, United States Code, to provide for the doubling of the imprisonment penalty for crimes committed against the elderly; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. SERRANO, Mr. PASTOR, Mr. RICHARDSON, Mr. TORRES, Mr. UNDERWOOD, Mr. BECERRA, Mr. ORTIZ, Mr. DE LUGO, and Ms. VELAZQUEZ):

H.R. 3495. A bill to amend the Immigration Reform and Control Act of 1986 concerning interim assistance to States for legislation [SLIAG]; to the Committee on the Judiciary.

By Mr. HOYER (for himself and Mr. WELDON):

H.R. 3496. A bill to amend title 18, United States Code, to increase penalties for certain arson and explosives offenses; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. RAMSTAD, and Mr. BLILEY):

H.R. 3497. A bill to amend title 18, with respect to travel for illegal sexual activities; to the Committee on the Judiciary.

By Mr. KLEIN (for himself, Mr. HUGHES, Mr. ANDREWS of New Jersey, Mr. GALLO, Mr. PAYNE of New Jersey, Mr. ZIMMER, Mr. HINCHEY, Mr. NADLER, Mrs. LOWEY, Mr. BARCIA of Michigan, Mr. PALLONE, Mr. MENENDEZ, Mr. ACKERMAN, Ms. PELOSI, Mr. TORRICELLI, and Mr. FRANKS of New Jersey):

H.R. 3498. A bill to establish the Great Falls Historic District, and for other purposes; to the Committee on Natural Resources.

By Mr. MCCLOSKEY:

H.R. 3499. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. MICHEL (for himself, Mr. GINGRICH, Mr. SANTORUM, Mr. DELAY, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. GRANDY, Mr. CAMP, Mr. CASTLE, Mr. HERGER of California, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mr. KOLBE, Mrs. ROUKEMA, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BATEMAN,

Mrs. BENTLEY, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BOEHNER, Mr. BONILLA, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CANADY, Mr. CLINGER, Mr. COBLE, Mr. COLLINS of Georgia, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DUNCAN, Ms. DUNN, Mr. EMERSON, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mr. FIELDS of Texas, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GILCHREST, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GRAMS, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN of California, Mr. HOUGHTON, Mr. HUFFINGTON, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KASICH, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KLUG, Mr. KYL, Mr. LAZIO, Mr. LEACH, Mr. LEVY, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. MCMILLAN, Mr. MACHTLEY, Mr. MANZULLO, Mr. MICA, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PETRI, Mr. POMBO, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUILLEN, Mr. QUINN, Mr. RAMSTAD, Mr. RAVENEL, Mr. REGULA, Mr. RIDGE, Mr. ROBERTS, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROTH, Mr. ROYCE, Mr. SAXTON, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNDQUIST, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mr. TORKILDSEN, Mr. UPTON, Mr. WALKER, Mr. WALSH, Mr. WELDON, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 3500. A bill to amend title IV of the Social Security Act to provide welfare families with the education, training, job search, and work experience needed to prepare them to leave welfare within 2 years, to increase the rate of paternity establishment for children receiving welfare benefits, to provide States with greater flexibility in providing welfare, to authorize States to conduct demonstration projects to test the effectiveness of policies designed to help people leave welfare and increase their financial security, to strengthen child support enforcement, and to eliminate welfare payments for most groups of noncitizens; jointly to the Committees on Ways and Means, Education and Labor, Energy and Commerce, Agriculture, Banking, Finance and Urban Affairs, the Judiciary, Government Operations, and Rules.

By Mr. MANTON:

H.R. 3501. A bill to impose mandatory sentence for crimes of violence and fraud against senior citizens, to provide for the death penalty for the homicide of a senior citizen, and for other purposes; jointly, to the Committees on the Judiciary, Energy and Commerce, Banking, Finance and Urban Affairs, and Ways and Means.

By Mr. SANTORUM (for himself, Mr. COYNE, Mr. MCDADE, Mr. MURTHA, Mr. WELDON, Mr. KLINK, Mr. RIDGE, Mr. MURPHY, Mr. CLINGER, Mr. KANJORSKI, Mr. SHUSTER, Mr. FOGLIETTA, Mr. GOODLING, Mr. BORSKI, Mr. WALKER, Mr. MCHALE, Mr. GREENWOOD, Ms. MARGOLIES-MEZVINSKY, Mr. BLACKWELL, Mr. HOLDEN, and Mr. GEKAS):

H.R. 3502. A bill to designate the long-term care facility of the Department of Veterans Affairs medical center at Pittsburgh, PA, as the Matthew B. Ridgway Division of the Department of Veterans Affairs Medical Center at University Drive, Pittsburgh, PA; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

H.R. 3503. A bill to establish limitations on the use of funds for international peacekeeping activities; to the Committee on Foreign Affairs.

By Mr. TORKILDSEN (for himself, Mr. STUMP, Mr. CONDIT, Mr. HEFLEY, Mr. CASTLE, Mr. EWING, Mr. SHAYS, Mr. BAKER of California, Mr. LIVINGSTON, Mr. ZELIFF, Mrs. FOWLER, Mr. MCKEON, Mr. KIM, and Mr. BLUTE):

H.R. 3504. A bill to provide Federal payments for Federal mandates imposed upon State and local governments; jointly, to the Committees on Government Operations and Rules.

By Mr. WAXMAN of California:

H.R. 3505. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CLAYTON:

H.J. Res. 291. Joint resolution designating March 20 through March 26, 1994, as "Small Family Farm Week"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 178. Concurrent resolution providing for an adjournment of the House from Wednesday, November 10, 1993 to Monday, November 15, 1993 and an adjournment to recess of the Senate from Wednesday, November 10, 1993 to Tuesday, November 16, 1993; considered and agreed to.

By Mr. HOYER:

H. Res. 306. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. GEKAS:

H. Res. 307. Resolution providing for the consideration of the bill (H.R. 1220) and certain amendments thereto relating to specified criminal justice system reforms; to the Committee on Rules.

H. Res. 308. Resolution providing for the consideration of the bill (H.R. 1220) and certain amendments thereto relating to specified criminal justice system reforms; to the Committee on Rules.

By Mr. SAM JOHNSON (for himself and Mr. HALL of Texas):

H. Res. 309. Resolution amending the Rules of the House of Representatives to require a two-thirds, rollcall vote to increase the statutory limit on the public debt; to the Committee on Rules.

By Mr. POMBO:

H. Res. 310. Resolution amending the Rules of the House of Representatives to require a 5-day waiting period before floor action on legislation, and for other purposes; to the Committee on Rules.

PRIVATE RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TRAFICANT introduced a concurrent resolution (H. Con. Res. 179) concerning the case of Joseph Occhipinti; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 25: Ms. MARGOLIES-MEZVINSKY.
H.R. 323: Mr. KINGSTON.
H.R. 396: Mr. ENGEL.
H.R. 522: Mr. MOAKLEY, Mr. SCOTT, Mr. CRAMER, and Mr. FINGERHUT.
H.R. 784: Mr. ENGEL.
H.R. 790: Mr. UPTON and Mr. ZELIFF.
H.R. 951: Mr. MANTON.
H.R. 998: Mr. ZELIFF.
H.R. 1009: Mr. SHARP.
H.R. 1015: Mr. KLECZKA and Mr. ENGEL.
H.R. 1026: Mr. UPTON.
H.R. 1080: Mr. ZELIFF and Mr. UPTON.
H.R. 1151: Mr. SAWYER, Mr. BACHUS of Alabama, and Mr. BECERRA.
H.R. 1167: Mr. ZELIFF.
H.R. 1168: Mr. BONILLA, Mr. UPTON, and Mr. ZELIFF.
H.R. 1192: Mr. ZELIFF.
H.R. 1293: Mr. MCCANDLESS, Mr. GRAMS, and Mr. MANZULLO.
H.R. 1330: Mr. KIM, Mr. MCKEON, Mr. HORN of California, Mr. BARCIA of Michigan, Mr. ROGERS, Mr. MOORHEAD, Mr. DREIER, Mr. WALSH, Mr. ROYCE, and Mr. COX.
H.R. 1352: Mr. ENGEL.
H.R. 1353: Mr. KYL, Mr. BARTLETT of Maryland, and Mr. DIAZ-BALART.
H.R. 1363: Mr. ZELIFF.
H.R. 1402: Mr. TORRES and Mr. FORD of Michigan.
H.R. 1482: Mr. UPTON.
H.R. 1483: Mr. JACOBS and Mr. ZELIFF.
H.R. 1486: Mr. ZELIFF.
H.R. 1487: Mr. ZELIFF and Mr. STEARNS.
H.R. 1493: Mr. ZELIFF, Mr. GUNDERSON, and Mr. WELDON.
H.R. 1504: Mrs. CLAYTON.
H.R. 1505: Mr. ALLARD, Mr. ZELIFF, and Mr. UPTON.
H.R. 1546: Mr. ZELIFF.
H.R. 1604: Mr. ZELIFF.
H.R. 1605: Mr. ZELIFF.
H.R. 1606: Mr. ZELIFF.
H.R. 1607: Mr. ZELIFF.
H.R. 1697: Mr. CARDIN.
H.R. 1733: Mr. EVANS.
H.R. 1735: Mr. HOAGLAND.
H.R. 1852: Mr. JACOBS and Mr. ZELIFF.
H.R. 1853: Mr. JACOBS and Mr. ZELIFF.
H.R. 1854: Mr. ZELIFF.
H.R. 1856: Mr. JACOBS.
H.R. 1857: Mr. ZELIFF.
H.R. 1858: Mr. ZELIFF.
H.R. 1859: Mr. UPTON and Mr. ZELIFF.
H.R. 1860: Mr. ZELIFF.
H.R. 1887: Mr. ZELIFF.
H.R. 2001: Mr. MINGE and Mr. OBERSTAR.
H.R. 2037: Mr. ZELIFF.
H.R. 2043: Mr. FARR.
H.R. 2227: Mr. ENGEL.
H.R. 2319: Ms. PRYCE of Ohio, Mr. BACHUS of Alabama, Mr. BARRETT of Wisconsin, and Mr. VISCLOSKY.
H.R. 2331: Mr. WILLIAMS.
H.R. 2346: Mr. TORRES.
H.R. 2375: Mr. FROST, Ms. WOOLSEY, Mr. UNDERWOOD, Mr. HUGHES, Mr. HOLDEN, and Mr. WILLIAMS.
H.R. 2394: Mr. HUGHES and Mr. ENGEL.

H.R. 2395: Mr. HUGHES and Mr. ENGEL.

H.R. 2646: Mr. STEARNS and Mr. ZELIFF.

H.R. 2720: Mr. GENE GREEN of Texas, Mr. JOHNSTON of Florida, Ms. MARGOLIES-MEZVINSKY, Mr. SISISKY, Mr. JOHNSON of South Dakota, Ms. BYRNE, Ms. WATERS, and Mr. ROMERO-BARCELO.

H.R. 2741: Mr. SMITH of New Jersey and Mrs. ROUKEMA.

H.R. 2858: Mr. ZIMMER.

H.R. 2896: Mr. ENGEL.

H.R. 2925: Mr. ENGEL.

H.R. 2950: Mr. ENGEL.

H.R. 2959: Mr. FIELDS of Texas, Mr. BACHUS of Alabama, Mr. CLINGER, and Mr. CALLAHAN.

H.R. 2988: Mr. FOGLIETTA and Mr. MINGE.

H.R. 3021: Mr. HEFLEY.

H.R. 3024: Mr. CALLAHAN.

H.R. 3041: Mr. ENGEL.

H.R. 3062: Mr. ZELIFF.

H.R. 3099: Mr. MCCOLLUM and Mr. GRANDY.

H.R. 3121: Mr. LEWIS of Georgia.

H.R. 3127: Mr. ZELIFF.

H.R. 3128: Mr. DEUTSCH, Mr. SLATTERY, Mr. SHAYS, Mr. MCDERMOTT, and Mr. STARK.

H.R. 3182: Mr. ENGEL and Ms. PRYCE of Ohio.

H.R. 3222: Mr. SYNAR and Mr. KOLBE.

H.R. 3237: Mr. DIAZ-BALART.

H.R. 3269: Mr. KANJORSKI, Mr. SYNAR, Mr. KOPETSKI, Mr. BARLOW, Mr. HOLDEN, Mr. SPENCE, Mr. WILLIAMS, Mr. ENGEL, Mr. UNDERWOOD, Mr. DELLUMS, and Mr. FROST.

H.R. 3271: Mr. LIVINGSTON, Mr. LIPINSKI, and Mr. FROST.

H.R. 3283: Mr. JOHNSON of South Dakota and Mr. ENGEL.

H.R. 3301: Ms. WATERS, Ms. LAMBERT, and Mr. FOGLIETTA.

H.R. 3313: Ms. WOOLSEY.

H.R. 3315: Mr. CLAY, Mr. DELLUMS, Mr. MCDERMOTT, and Mr. LEWIS of Georgia.

H.R. 3318: Mr. WOLF.

H.R. 3327: Mrs. THURMAN.

H.R. 3328: Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. BARTON of Texas, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mrs. BENTLEY, Mr. BURTON of Indiana, Mr. CANADY, Mr. COBLE, Mr. COSTELLO, Mr. CRANE, Mr. DEUTSCH, Mrs. FOWLER, Mr. GENE GREEN of Texas, Mr. INGLIS of South Carolina, Ms. KAPTUR, Mr. KINGSTON, Mr. KLINK, Mr. KREIDLER, Mr. MARKEY, Mr. MINGE, Mr. MCCANDLESS, Mrs. MEYERS of Kansas, Mr. NUSSLE, Mr. PARKER, Mr. QUINN, Mr. POSHARD, Mr. RAVENEL, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. SERRANO, Mr. SISISKY, Ms. SNOWE, Mr. STUMP, Mr. TOWNS, Mrs. UNSOELD, Mr. UPTON, and Mr. ZIMMER.

H.R. 3342: Mr. QUINN and Mr. LIGHTFOOT.

H.R. 3365: Mr. WHEAT, Mr. FORD of Michigan, Mr. BRYANT, and Mr. SWETT.

H.R. 3366: Mr. FOGLIETTA and Mr. BATEMAN.

H.R. 3367: Mr. EMERSON, Mrs. JOHNSON of Connecticut, Mr. BAKER of California, Mr. QUINN, Mr. TRAFICANT, Mrs. MEYERS of Kansas, Mr. PETE GEREN of Texas, Mr. FROST, Mr. COOPER, Mr. DARDEN, and Mr. REGULA.

H.R. 3398: Mr. MATSUI, Ms. FURSE, Mr. MCDERMOTT, Mr. DEUTSCH, Mr. BERMAN, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SABO.

H.R. 3413: Mr. BALLENGER.

H.R. 3424: Mr. LIVINGSTON, Mr. CUNNINGHAM, Mr. COOPER, Mr. REGULA, and Mr. TORKILDSEN.

H.R. 3425: Mr. DINGELL, Miss COLLINS of Michigan, and Ms. FURSE.

H.R. 3436: Mr. DE LUGO, Ms. VELAZQUEZ, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. GUTIERREZ, Mr. RICHARDSON, Mr. SERRANO, and Mr. TORRES.

H.R. 3456: Mr. BISHOP, Mr. SMITH of New Jersey, Mr. HEFNER, Mr. RIDGE, Mr. RICHARDSON, Mr. QUINN, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. BILIRAKIS.

H.R. 3459: Mr. WATT, Mr. LEWIS of Georgia, Mr. WASHINGTON, Mr. MFUME, Ms. BROWN of Florida, Mr. HILLIARD, Mr. RANGEL, Mr. THOMPSON, Mr. FORD of Tennessee, Mr. REYNOLDS, Mrs. CLAYTON, Mr. SCOTT, Mr. CLYBURN, Mrs. COLLINS of Illinois, Mr. BISHOP, Mr. TOWNS, Ms. NORTON, Mr. TUCKER, Mr. FIELDS of Louisiana, Mr. PAYNE of New Jersey, Miss COLLINS of Michigan, Mr. OWENS, Ms. MCKINNEY, Mr. HASTINGS, Mrs. MEEK, Mr. STOKES, Mr. WYNN, Mr. FLAKE, Mr. RUSH, Mr. DIXON, Mr. JEFFERSON, and Mr. FRANKS of Connecticut.

H.J. Res. 9: Mr. MCKEON and Mr. WALSH.

H.J. Res. 90: Mr. ROSE, Mr. LANCASTER, Mr. KLUG, and Ms. KAPTUR.

H.J. Res. 113: Mr. YOUNG of Florida, Mr. ROGERS, and Mr. HILLIARD.

H.J. Res. 139: Mr. BREWSTER, Mr. TORRICELLI, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. YOUNG of Alaska, Mr. STUMP, Mr. ROEMER, Mr. ROSE, Mr. CLEMENT, Mrs. MORELLA, and Mr. LANCASTER.

H.J. Res. 175: Ms. WOOLSEY, MR. ABERCROMBIE, and Mr. YATES.

H.J. Res. 216: Mr. BONIOR, Mr. CALVERT, Mr. GILCHREST, Mr. LIGHTFOOT, Mr. REGULA, Mr. THOMAS of Wyoming, and Mr. SAM JOHNSON.

H.J. Res. 246: Mr. BOUCHER, Mr. DELLUMS, Mr. GEKAS, Mr. JACOBS, Mr. LEHMAN, Mr. LEWIS of California, Mrs. LOWEY, Mrs. MEEK, Mr. OLVER, Mr. REYNOLDS, Mr. SAXTON, and Mrs. VUCANOVICH.

H.J. Res. 278: Mr. KLECZKA and Mr. FROST.

H. Con. Res. 20: Mr. BLILEY and Ms. WATERS.

H. Con. Res. 80: Mr. ISTOOK.

H. Con. Res. 90: Mr. ZELIFF.

H. Con. Res. 107: Mr. CRAMER, Mr. LEACH, Mr. SHAYS, Mr. FOGLIETTA, Mr. TAYLOR of North Carolina, Mr. PAYNE of Virginia, and Mr. DEUTSCH.

H. Con. Res. 110: Mr. QUINN.

H. Con. Res. 122: Ms. BYRNE, Mr. MENENDEZ, Mr. VISCLOSKY, Mr. LEWIS of Florida, Ms. PRYCE of Ohio, Mr. ROSE, and Mr. BROWN of Ohio.

H. Res. 213: Mr. ZELIFF.

H. Res. 234: Mr. LEWIS of Florida, Mr. DOOLEY, Ms. MCKINNEY, Mr. WHEAT, Mr. LEWIS of Georgia, Mr. WISE, and Mr. VOLKMER.

H. Res. 247: Mr. HUFFINGTON and Mr. HEFLEY.

H. Res. 278: Mr. WILSON, Mrs. FOWLER, Mr. TUCKER, Mr. FIELDS of Texas, Ms. SHEPHERD, Mr. YOUNG of Alaska, and Mr. HALL of Texas.

H. Res. 285: Ms. ENGLISH of Arizona, Mr. FILNER, Mr. FLAKE, Mr. GENE GREEN of Texas, Mr. HASTINGS, Mr. HINCHEY, Mr. HOAGLAND, Mr. INSLEE, Mr. KENNEDY, Mr. LANTOS, Mrs. LLOYD, Mr. MCCLOSKEY, Mr. MCCURDY, Mr. MILLER of California, Mr. MORAN, Mr. PASTOR, Ms. PELOSI, Mr. POMEROY, Mr. ROMERO-BARCELÓ, Mr. SANDERS, Mr. SKAGGS, Mr. STARK, Mr. STRICKLAND, Mr. ANDREWS of Maine, Mr. APPLEGATE, Mr. BAKER of California, Mr. BARLOW, Mr. BECERRA, Mr. BERMAN, Mr. BLACKWELL, Mr. BROWN of California, Mr. CONDIT, Ms. DANNER, Mr. DELLUMS, Mr. ENGEL, Mr. STUDDS, Mr. TORRICELLI, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. WASHINGTON, and Mr. WATT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H. Res. 225: Mr. HOBSON.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Mr. HOEKSTRA on House Joint Resolution 9: JACK FIELDS.

Petition 9 by Mr. WELDON on House Resolution 227: MEL HANCOCK, JAMES C. GREENWOOD, and JACK FIELDS.